



City of Gloucester

City Council

CITY HALL • GLOUCESTER • MASSACHUSETTS • 01930
Telephone 978-281-9722 Fax 978- 282-3051

CITY COUNCIL
AND
CITY COUNCIL STANDING COMMITTEE
Ordinance & Administration

Monday, March 2, 2009 – 7:00 PM

Council Conference Room (First Floor) City Hall

1. Appointments

- a. Community Development Director – Sarah Buck (TTE 2/14/10)
- b. Affordable Housing Trust Ruth Pino and Michael Luster (TTE 02/14/2011)
- c. Board of Health – Mark Evans (TTE 02/14/2012)
- d. Capital Improvement Advisory Committee – William Kyrouz and Roland Hadley (TTE 02/14/2012)
- e. Committee for the Arts – Judith Hoglander (TTE 02/14/2013)
- f. Conservation Commission – Charles Anderson, Jr. (TTE 02/14/2012)
- g. Council on Aging – Frederick Cowan, Lee Harty and Jay Gustafarro (TTE 02/14/2012)
- h. Downtown Development Commission – Katherine Cuddyer (TTE 02/14/2012)
- i. Gloucester Housing Authority – Dorothy Martins (TTE 02/14/2014)
- j. Gloucester Cultural Council – JoAnn Hart, Sara Stotzer and Saira Austin (TTE 02/14/2011)
- k. Historic District Commission – Ralph Pino (TTE 02/14/2012)
- l. Historical Commission – Robert Wolfe and Thomas O'Keefe (TTE 02/14/2012)
- m. Mariners Medal Committee – George Nichols (TTE 02/14/2013)
- n. Planting Committee – Janis Bell (TTE 02/14/2012)
- o. Traffic Commission – Robert Ryan (TTE 02/14/2012)
- p. Waterways Board – David Murray (TTE 02/14/2012)
- q. Zoning Board of Appeals – James Movalli and Michael Nimon (Alternate)(TTE 02/14/2012)
- r. Committee for the Arts – Roger Armstrong (TTE 02/14/2013)
- s. Conservation Commission – Nicole Pitts (TTE 02/14/2012)
- t. Downtown Development Commission – Douglas Cook (TTE 02/14/2011)

2. COM2009-005 Memo from Councilor Tobey regarding request for documents.
3. Memo re: Beach and Stage Fort Park Regs. (cont from 2/23/09)
4. Order 09-005 (Hardy/Tobey) Review of Council Procedures. (cont from 2/23/09)
5. Order 09-002 (George/Devlin) West Gloucester Firing Range. (cont. from 2/23/09)

COMMITTEE

Councilor John "Gus" Foote, Chair
Councilor Sefatia A. Romeo, Vice Chair
Councilor Bruce Tobey

C: Mayor, Jim Duggan, all appointees so noted above, Mark Cole, Mike Hale, Ed Parks, Sal Frontiero, Nubar Alexanian

CITY OF GLOUCESTER

Job Description

Title: Community Development Director

Supervisor: Mayor

Grade: M9 (\$66,523.14 - \$86,045.48)

Civil Service: Exempt

Union: Exempt

Supervision

Exercised: Provides direct supervision to 2 Division Heads: City Planner and Grants Administrator, and indirect supervision to staff of approximately 10. Also provides oversight of the work performed by 10 different Boards and Commissions.

Responsibilities: Working closely with the Mayor's Office, develops and implements plans, policies and programs to coordinate the physical growth and economic development of the City. Performs highly responsible work requiring significant initiative and independent judgment relating to the City's economic and Community Development needs.

Duties:

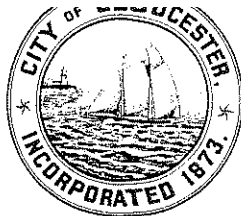
- ♦ Provides advice and develops specific proposals to the Mayor and the City Council on all matters affecting the development of the City.
- ♦ Integrates the activities of the various divisions in the Community Development Department (Planning, Economic Development, Grants Administration, Shellfish, Harbor, and Tourism) to achieve departmental goals and objectives. Organizes work assignments, operating procedures, and budgets of the different divisions.
- ♦ Provides oversight, assistance and staff support as needed to the following Boards and Commissions: Planning Board, Conservation Commission, Fisheries Commission, Downtown Development Commission, Tourism Commission, Historic District Commission, Capital Improvement Advisory Board, Land Disposition Commission, Historical Commission, Harbor Committee, Affordable Housing Trust and Technical Advisory Group.
- ♦ Assists with the preparation of the Mayor's Capital Improvement program.
- ♦ Provides customer service and interaction with the public, elected and appointed officials on planning and economic development issues, including harbor and downtown revitalization, business retention/attraction, fisheries, the waterfront, industrial parks and transportation.

- ♦ Develops and implements economic development strategy for the Harbor and downtown. Administers comprehensive programs to create jobs and expand the industrial and commercial tax base of the City. Develops marketing and promotional strategy on behalf of the City. Initiates and administers tax incremental financing (T.I.F.) plans to attract new business and promote expansion of existing local businesses.
- ♦ Provides oversight of all activities of the Planning Division, including the development and implementation of the Master Plan, integration of the Harbor Plan, and all subdivision and zoning matters. Administers revision of zoning bylaws.
- ♦ Develops and implements plans to support affordable housing and community social services.
- ♦ Provides oversight of the administration of all federally funded grant programs (HUD, CDBG, etc.). Also provides technical assistance to other City Departments for grant applications and administration.

Qualifications:

- ♦ Master's degree in planning or public administration required per City Charter.
- ♦ A minimum of six years increasingly responsible experience in municipal planning, community development or management required.
- ♦ Experience in waterfront development planning preferred.
- ♦ A minimum of 2 years supervisory experience.
- ♦ Demonstrated skills in grant writing, working with federal (HUD) and state regulations, planning and economic development.
- ♦ Excellent communication skills, both oral and written, including skills in public presentation.
- ♦ Ability to interact effectively with the general public, elected appointed officials, staff at all levels of the organization, and consumer boards and commissions.

Revised 2/02



CITY OF GLOUCESTER
OFFICE OF THE MAYOR

February 5, 2009

Mr. Michael J. Luster
69 Bond Street
Gloucester, MA 01930

Dear Mike:

I am pleased to reappoint you to a two year term as a Trustee of the Affordable Housing Trust. Your appointment will be sent to the City Council for their meeting of February 10, 2009 and will be referred to the Ordinance and Administration subcommittee. You will receive a notice from the Clerk of committees as to the date on which your appointment will be discussed by the committee.

I have issued you a 90-day temporary appointment, effective February 15, 2009. Please report to the City Clerk's office to pick up your appointment card (copy attached) and be sworn in at your earliest convenience.

On behalf of the City of Gloucester, I greatly appreciate your dedication to public service and look forward to working with you in the coming years to help make Gloucester a better place for all of us to live.

Should you have any questions or if you require any further information, please do not hesitate to contact my office.

Thank you again.

Sincerely,

Carolyn A. Kirk
Mayor

Enclosure
CAK/c

The City of Gloucester, Massachusetts

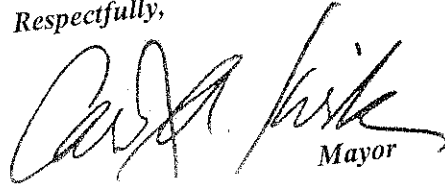
Dear Michael J. Luster, 69 Bond Street, Gloucester, MA 01930

*It is my pleasure to inform you that I have this day appointed you
a Trustee of the Affordable Housing Trust
of the City of Gloucester, Massachusetts*

Effective February 15, 2009.

This is a 90-day temporary appointment.
After City Council approval, term to expire 2/14/2012.

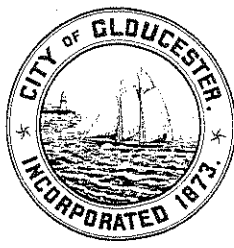
Respectfully,


Mayor

N.B. You are required to be sworn in at the office of the City Clerk before acting
under the appointment.

SWORN IN _____ BY _____

City Hall
Nine Dale Avenue
Gloucester, MA 01930



TEL 978-281-9700
FAX 978-281-9738
ckirk@ci.gloucester.ma.us

CITY OF GLOUCESTER
OFFICE OF THE MAYOR

February 5, 2009

Ms. Ruth Pino
82 Wheeler Street
Gloucester, MA 01930

Dear Ruth:

I am pleased to reappoint you to a two year term as a Trustee of the Affordable Housing Trust. Your appointment will be sent to the City Council for their meeting of February 10, 2009 and will be referred to the Ordinance and Administration subcommittee. You will receive a notice from the Clerk of committees as to the date on which your appointment will be discussed by the committee.

I have issued you a 90-day temporary appointment, effective February 15, 2009. Please report to the City Clerk's office to pick up your appointment card (copy attached) and be sworn in at your earliest convenience.

On behalf of the City of Gloucester, I greatly appreciate your dedication to public service and look forward to working with you in the coming years to help make Gloucester a better place for all of us to live.

Should you have any questions or if you require any further information, please do not hesitate to contact my office.

Thank you again.

Sincerely,

Carolyn A. Kirk
Mayor

Enclosure
CAK/c

The City of Gloucester, Massachusetts

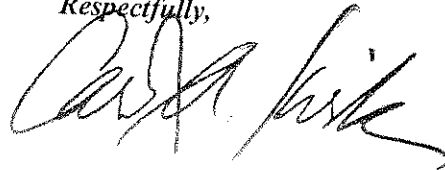
Dear Ruth Pino, 82 Wheeler Street, Gloucester, MA 01930

*It is my pleasure to inform you that I have this day appointed you
A Trustee of the Affordable Housing Trust
Of the City of Gloucester, Massachusetts*

Effective February 15, 2009.

This is a 90-day temporary appointment.
After City Council approval, term to expire 2/14/2011.

Respectfully,



Mayor

N.B. *You are required to be sworn in at the office of the City Clerk before acting
under the appointment.*

SWORN IN _____ BY _____

An Ordinance Creating the Gloucester Affordable Housing Trust Fund

Article VI, Division 4, Sections 2-601 – 2-615

Sec. 2-601. Gloucester Affordable Housing Trust Fund - Purpose.

The Commonwealth of Massachusetts has recently enacted legislation clarifying the ability of municipalities to create Affordable Housing Trust funds by enacting Section 55C of Chapter 44 of the Massachusetts General Laws; and

due to the high cost of housing, it is becoming harder to maintain economic diversity in the housing stock of the City of Gloucester; and

this rising cost affects the ability of all ages of Gloucester residents to remain in Gloucester as well as affecting the ability of the City to attract new residents of all age ranges; and

the City of Gloucester is dedicated to providing diversity in housing, which diversity includes economic diversity; and

by adopting this Affordable Housing Trust Fund ordinance, it will allow flexibility in addressing the needs of the city in a regulatory and problematic fashion.

Section 2-602. Same - Policy of the City of Gloucester.

It is the policy of the City of Gloucester to support the creation, preservation and maintenance of affordable housing. In doing so, it is also the policy of the City of Gloucester to protect, preserve, and enhance the economic and social diversity of the City, to provide affordable rental and homeownership options for people of all ages and income levels, and to accommodate the changing housing needs of families and individuals. The Gloucester Affordable Housing Trust Fund is created to promote this policy.

Section 2-603. Same - Establishment of the Gloucester Affordable Housing Trust Fund.

There is hereby created the Gloucester Affordable Housing Trust Fund in accordance with Massachusetts General Laws Chapter 44, Section 55C, as now or hereafter amended or superseded. The Gloucester Affordable Housing Trust Fund shall hereinafter be known as the Trust.

Section 2-604. Same - Definition.

For the purposes of Sections 2-601 through and including 2-615, as well as for the Declaration of Trust for the Trust or any other documents, Board shall mean the Board of Trustees of the Trust. Board Members and Trustees shall both mean members of the Board of the Trust, which terms maybe used interchangeably.

Section 2-605. Same - Membership.

Acting under the authority of M.G.L. Chapter 44 Section 55C, there is hereby created a Board of Trustees for the Trust established pursuant to Sections 2.604 through 2.615 of the Code of Ordinances of the City of Gloucester, Massachusetts for the purposes set out in the M.G.L. Chapter 44, Section 55C. The Board shall include no fewer that five (5) Trustees, including the Mayor, ex officio, or his or her written designee, ex officio. The remaining Trustees shall be appointed by the Mayor and approved by the City Council for a term not to exceed two years.

The Board Members shall have knowledge or expertise in areas including, but not limited to, affordable housing, real estate, real estate finance, or housing construction. The Mayor, however, shall not be required to appoint Board Members from all of these areas of knowledge or expertise, but shall only be required to make his or her best effort to find persons that meet this requirement. In addition, the City of Gloucester Community Development Director shall serve as an ex officio Trustee.

Section 2-606. Same - Terms of the Board Members; Election of Officers.

- (A) The terms of the Board Members set out in Sections 2-605 and 2-606 shall be two (2) year terms; provided, however, that for the appointment of the initial Board Members, three (3) members shall be appointed for one (1) year, and the remaining Trustees for two (2) years. The Board Members shall serve until their successors have been appointed and qualified. The Mayor, however, shall serve for his or her entire term of office as Mayor. The Mayor's written designee shall serve for the term of his or her written designation, which may be amended or revoked at any time in writing. The Community Development Director shall serve for the entire term of his or her employment as Community Development Director.
- (B) Pursuant to Section 7.5 of the Charter of the City of Gloucester, Massachusetts, every appointment to the Trust shall begin on the fifteenth day of February for the term specified in this Article and shall continue until a successor is chosen and qualified as specified in this Article, but in no case longer than six (6) months when the office shall be declared vacant.
- (C) The Board shall, annually, elect a Chairman and Vice-Chairman of the Board at the first regularly scheduled meeting after February 15.

Section 2-607. Same - City Board.

The Trust is a board of the City for purposes of M.G.L. Chapter 30B (Uniform Procurement Act) and Section 15A of M.G.L. Chapter 40 (Transfers of Land); but agreements and conveyances between the Trust and agencies, boards, commissions, authorities, departments and public instrumentalities of the City shall be exempt from said Chapter 30B.

Section 2-608. Same - Removal of Trustees.

Pursuant to Section 7.14 of the Charter of the City of Gloucester, Massachusetts, any Trustee may be removed from the Board and have his or her place declared vacant for the reasons set out in and under the procedures set out in said Section 7.14.

Section 2-609. Same - Meetings of the Trust; Notice; Quorum.

- (A) The Trust shall meet monthly as long as there is business requiring the attention of the Trust; provided, however, that the Trust shall meet at least on a quarterly basis. The meetings of the Trust shall be at such time and at such place as the Trustees shall determine. Notice of all meetings of the Trust shall be given in accordance with the provisions of the Open Meeting Law, M.G.L. Chapter 39, Sections 23A, 23B and 23C.
- (B) A quorum at any meeting shall be a majority of the Trustees qualified and present in person.

Section 2-610. Same - Powers and Duties.

The Trust, acting through the Trustees, shall have the powers and duties set out in M.G.L. Chapter 44, Section 55C, as now or hereafter amended or superseded, which include but are not limited to the following:

(A) General Powers

- (1) with the approval of the City Council, to accept and receive property, whether real or personal, by gift, grant, devise, or transfer from any person, firm, corporation or other public or private entity, including without limitation, grants of funds or other property tendered to the trust in connection with provisions of any zoning ordinance or any other ordinance. Acceptance or receipt of funds shall require City Council approval pursuant to M.G.L. Chapter 44, Section 55C;
- (2) with the approval of the City Council to the extent required by ordinance and M.G.L. Chapter 30B, to purchase and retain real or personal property, including without restriction, investments that yield a high rate of income or no income;
- (3) with the approval of the City Council, to sell, lease, exchange, transfer or convey any personal, mixed, or real property at public auction or by private contract for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into such undertakings relative to Trust property as the Trustees deem advisable notwithstanding the length of any such lease or contract;
- (4) to employ advisors and agents, such as accountants, appraisers and lawyers as the Board deems necessary;
- (5) to pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the Board deems advisable;
- (6) with the approval of the City Council, to comprise, compromise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the Trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of M.G.L. Chapter 44, Section 55C, to continue to hold the same for such period of time as the Board may deem appropriate;

(B) Real Estate Related Powers:

- (1) with the approval of the City Council to execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the Board engages for the accomplishment of the purposes of the Trust; and
- (2) to own, manage or improve real property and, with the approval of the City Council, to sell or transfer any property which the Trustees determine not to be worth retaining;

(C) Financial Powers:

- (1) with the approval of the City Council, to disburse trust funds for the purpose of making loans or grants in furtherance of the creation or preservation of affordable housing in the City of Gloucester upon such terms as the Trustees shall deem most appropriate to carry out such purposes;
- (2) to incur debt;
- (3) to apportion receipts and charges between income and principal as the Board deems advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation depletion or otherwise;

- (4) with the approval of the City Council, to participate in any reorganization, recapitalization, merger or similar transactions; and to give proxies or powers of attorney with or without power of substitution, to vote any securities or certificates of interest, and to consent to any contract, lease, mortgage, purchase or sale of property, by or between any corporation and any other corporation or person;
- (5) with the approval of the City Council, to deposit any security with any protective reorganization committee, and to delegate to such committee such powers and authority with relation thereto as the Board may deem proper and to pay, out of Trust property, such portion of expenses and compensation of such committee as the Board, with the approval of the City Council, may deem necessary and appropriate;
- (6) to carry property for accounting purposes other than acquisition date values;
- (7) with the approval the City Council, to borrow money on such terms and conditions and from such sources as the Trust deems advisable, and to mortgage and pledge trust assets as collateral;
- (8) to make distributions or divisions of principle in kind;
- (9) to hold all or part of the trust property uninvested for such purposes and for such time as the Board may deem appropriate; and
- (10) to extend the time for payment of any obligation to the Trust.

Section 2-611. Same - Funds Paid into the Trust.

Pursuant to M.G.L., Chapter 44, 55C.(d), and notwithstanding any general or special law to the contrary, all moneys paid to the Trust in accordance with the Gloucester Zoning Ordinance, exaction fee, or private contributions shall be paid directly into the Trust and need not be appropriated or accepted and approved into the Trust. General revenues appropriated into the Trust become Trust property and these funds need not be further appropriated to be expended. All moneys remaining in the Trust at the end of any fiscal year, whether or not expended by the Board within one year of the date they were appropriated into the Trust, remain Trust property.

Section 2-612. Same - Custodian of the Funds.

The City Treasurer will be the custodian of the funds.

Section 2-613. Same - Taxes.

The Trust is exempt from M.G.L. Chapters 59 and 62, and from any other provisions concerning payment of taxes based upon or measured by property or income imposed by the Commonwealth or any political subdivision thereto.

Section. 2-614. Same - Governmental Body.

The Trust is a governmental body for purposes of Sections 23A, 23B and 23C of M.G.L. Chapter 39.

Section 2-615. Same - Reports to the Mayor and City Council; Annual Audits.

- (A) The Trust shall, on a quarterly basis, provide written reports to the Mayor and City Council on each and every aspect of the business conducted by the Trust. The reports shall be provided on or before the 15th day of the month following the first day of a calendar quarter.

- (B) Pursuant to M.G.L. Chapter 44, Section 55C.(h), the books and records of the Trust shall be audited annually by an independent auditor in accordance with accepted accounting practices for municipalities. The Trust shall forward a copy of the audit to both the City Council and the Mayor. The auditor shall work for the City Treasurer. However, the costs of the audit shall be paid from the Trust.

Secs. 2-616 – 2-649. Reserved.

DECLARATION OF TRUST

CITY OF GLOUCESTER AFFORDABLE HOUSING TRUST

This Declaration of Trust is hereby made as of this ____ day of September, 2008, by the City of Gloucester acting by and through its City Council, as approved by vote of the City Council of the City of Gloucester on October 17, 2006, which was made pursuant to the provisions of "An Act Establishing Municipal Affordable Housing Trust Funds" (M.G.L. Chapter 44 Section 55C), as now or hereafter amended, (the "Act"). The City Council of the City of Gloucester hereby acknowledges and agrees for themselves, for the Trustees of the Gloucester Affordable Housing Trust Fund (the "Trust") and their successors in trust to hold the same together with such property and funds as may be placed into said Trust for the purposes set out in the Act and in the manner and under the terms and conditions set forth herein.

ARTICLE FIRST: Name of the Trust

The Trust shall be called the "City of Gloucester Affordable Housing Trust Fund" (the "Trust"). For the purposes of this Declaration of Trust, Board shall mean the Board of Trustees. Members and Trustees shall both mean members of the Board of Trustees, which terms may be used interchangeably. A Certificate of Trust of this Declaration of Trust shall be recorded with the Southern District Essex Registry of Deeds and the Southern Essex Registry District of the Land Court.

ARTICLE SECOND: Purpose

The purpose of the Trust shall be to provide for the preservation and creation of affordable housing in the City of Gloucester for the benefit of low and moderate income households. The purpose of implementing this policy is to assist individuals or families that fall at or below 80% of the area median income. In furtherance of this purpose, the Trustees are hereby authorized, in accordance with the procedures set forth herein, to acquire by gift, purchase or otherwise real estate and personal property, both tangible and intangible, of every sort and description; to use such property, both real and personal, in such manner as the Trustees shall deem most appropriate to carry out such purpose, provided however, that all property held by the Trust and the net earnings thereof shall be used exclusively for the preservation and creation of affordable housing in the City of Gloucester and for the purposes for which this Trust was formed. No part of the activities of the Trust shall consist of propaganda or participation in or intervention in (including the publication or distribution of statements) any political campaign on behalf of any candidate for public office and no part of the net earnings of this Trust shall inure or be payable to or for the benefit of any private individual or corporation.

ARTICLE THIRD: Composition of the Board; Tenure of Trustees; Removal from Office

- (A) There shall be a Board of Trustees consisting of not less than five members, four of whom shall be appointed by the Mayor and confirmed by the City Council. One of the Trustees shall be the Mayor, ex officio, or his written designee as an ex officio member. Only persons who are residents of the City of Gloucester shall be eligible to hold the office of Trustee. The Community Development Director shall also be an ex officio member of the Board.
- (B) Trustees shall serve for a term of two years, except that two of the initial trustee appointments shall be for a term of one year, and may be re-appointed at the discretion of the Mayor with confirmation by the City Council. Any Trustee who ceases to be a resident of the City of Gloucester shall cease to be a Trustee hereunder and shall promptly provide a written notification of the change in residence to the Board and to the City Clerk. Any Trustee may resign by written instrument signed and acknowledged by such Trustee and duly filed with the City Clerk. If a Trustee shall die, resign, or for any other reason cease to be a Trustee hereunder before his/her term of office expires, a successor shall be appointed by the Mayor

and confirmed by the City Council to fill such vacancy provided that in each case the said appointment and acceptance in writing by the Trustee so appointed is filed with the City Clerk. Upon the appointment of any succeeding Trustee and the filing of such appointment the title to the Trust estate shall thereupon and without the necessity of any conveyance be vested in such succeeding Trustee jointly with the remaining Trustees. Reference to the Trustee shall mean the Trustee or Trustees for the time being hereunder. The Mayor, however, shall serve for his or her entire term of office as Mayor. The Mayor's written designee shall serve for the term of his or her written designation, which may be amended or revoked at any time in writing. The Community Development Director shall serve for the entire term of his or her employment as Community Development Director.

- (C) Pursuant to Section 7.5 of the Charter of the City of Gloucester, Massachusetts, every appointment to the Trust shall begin on the fifteenth day of February for the term specified in this Article and shall continue until a successor is chosen and qualified as specified in this Article, but in no case longer than six (6) months when the office shall be declared vacant.
- (D) Pursuant to Section 7.14 of the Charter of the City of Gloucester, Massachusetts, any Trustee may be removed from the Board and have his or her place declared vacant for the reasons set out in and under the procedures set out in said Section 7.14.
- (E) The Board shall, annually, elect a Chairman and Vice-Chairman of the Board at the first regularly scheduled meeting after February 15.

ARTICLE FOURTH: Meetings of the Trust; Notice of Meetings

The Trust shall meet monthly as long as there is business requiring the attention of the Trust; provided, however, that the Trust shall meet at least on a quarterly basis. The meetings of the Trust shall be at such time and at such place as the Trustees shall determine. Notice of all meetings of the Trust shall be given in accordance with the provisions of the Open Meeting Law, M.G.L. Chapter 39, Sections 23A, 23B and 23C. A quorum at any meeting shall be a majority of the Trustees qualified and present in person.

ARTICLE FIFTH: Powers of Trustees

The Board of Trustees shall have the following powers which shall be carried out in accordance with and in furtherance of the provisions of M.G.L. Chapter 44, Section 55C:

(A) General Powers

- (1) with the approval of the City Council, to accept and receive property, whether real or personal, by gift, grant, devise, or transfer from any person, firm, corporation or other public or private entity, including without limitation, grants of funds or other property tendered to the trust in connection with provisions of any zoning ordinance or any other ordinance. Acceptance or receipt of funds shall require City Council approval pursuant to M.G.L. Chapter 44, Section 55C;
- (2) with the approval of the City Council, to purchase and retain real or personal property, including without restriction, investments that yield a high rate of income or no income;
- (3) with the approval of the City Council to the extent required by ordinance and M.G.L. Chapter 30B, to sell, lease, exchange, transfer or convey any personal, mixed, or real property at public auction or by private contract for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into such undertakings relative to Trust property as the Trustees deem advisable notwithstanding the length of any such lease or contract;

- (4) to employ advisors and agents, such as accountants, appraisers and lawyers as the Board deems necessary;
- (5) to pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the Board deems advisable;
- (6) with the approval of the City Council, to comprise, compromise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the Trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of M.G.L. Chapter 44, Section 55C, to continue to hold the same for such period of time as the Board may deem appropriate;

(B) Real Estate Related Powers:

- (1) With the approval of the City Council to execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the Board engages for the accomplishment of the purposes of the Trust;
- (2) to own, manage or improve real property, and, with the approval of the City Council, to sell or transfer any property which the trustees determine not to be worth retaining;

(C) Financial Powers:

- (1) with the approval of the City Council, to disburse trust funds for the purpose of making loans or grants in furtherance of the creation or preservation of affordable housing in the City of Gloucester upon such terms as the Trustees shall deem most appropriate to carry out such purposes;
- (2) with the approval of the City Council, to incur debt;
- (3) to apportion receipts and charges between income and principal as the Board deems advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation depletion or otherwise;
- (4) with the approval of the City Council, to participate in any reorganization, recapitalization, merger or similar transactions; and to give proxies or powers of attorney with or without power of substitution, to vote any securities or certificates of interest, and to consent to any contract, lease, mortgage, purchase or sale of property, by or between any corporation and any other corporation or person;
- (5) with the approval of the City Council, to deposit any security with any protective reorganization committee, and to delegate to such committee such powers and authority with relation thereto as the Board may deem proper and to pay, out of Trust property, such portion of expenses and compensation of such committee as the Board, with the approval of the City Council, may deem necessary and appropriate;
- (6) to carry property for accounting purposes other than acquisition date values;
- (7) with the approval the City Council, to borrow money on such terms and conditions and from such sources as the Trust deems advisable, and to mortgage and pledge trust assets as collateral;

- (8) to make distributions or divisions of principle in kind;
- (9) to hold all or part of the trust property uninvested for such purposes and for such time as the Board may deem appropriate; and
- (10) to extend the time for payment of any obligation to the Trust.

ARTICLE SIXTH: Funds Paid to the Trust

Pursuant to M.G.L., Chapter 44, 55C.(d), and notwithstanding any general or special law to the contrary, all moneys paid to the Trust in accordance with the Gloucester Zoning Ordinance, exaction fee, or private contributions shall be paid directly into the Trust and need not be appropriated or accepted and approved into the Trust. General revenues appropriated into the Trust become Trust property and these funds need not be further appropriated to be expended. All moneys remaining in the Trust at the end of any fiscal year, whether or not expended by the Board within one year of the date they were appropriated into the Trust, remain Trust property.

ARTICLE SEVENTH: Acts of Trustees

Pursuant to the Ordinance establishing the Trust and pursuant to Article Sixteenth of this Declaration of Trust, a majority of Trustees may exercise any or all of the powers of the Trustees hereunder and may execute on behalf of the Trustees any and all instruments with the same effect as though executed by all the Trustees. The Trustees may, by instrument executed by all the Trustees, delegate to any attorney, agent or employee such other powers and duties as they deem advisable, including power to execute, acknowledge or deliver instruments as fully as the Trustees might themselves and to sign and endorse checks for the account of the Trustees of the Trust. No Trustee shall be required to give bond. No license of court shall be required to confirm the validity of any transaction entered into by the Trustees with respect to the Trust Estate.

ARTICLE EIGHTH: Liability

- (A) Neither the Trustees nor any agent or officer of the Trust shall have the authority to bind the City, except in the manner specifically authorized herein.
- (B) The Trust is a public employer and the Trustees are public employees for the purposes of M.G.L. Chapter 268A. The Trust shall be deemed a municipal agency and the Trustees special municipal employees for the purposes of M.G.L. Chapter 268A.
- (C) No Trustee shall be liable for the acts, negligence or defaults of any other Trustee or any employee, agent or representative of the trustees selected with reasonable care, nor for errors in judgment, nor mistakes of law or fact made in good faith nor in reliance in good faith on advice of counsel nor for other acts or omissions made in good faith.

ARTICLE NINTH: Taxes

The Trust is exempt from M.G.L. Chapters 59 and 62, and from any other provisions concerning payment of taxes based upon or measured by property or income imposed by the Commonwealth or any political subdivision thereto.

ARTICLE TENTH: Custodian of Funds

The City Treasurer shall be the custodian of the funds of the Trust

ARTICLE ELEVENTH: Governmental Body

The Trust is a governmental body for purposes of Sections 23A, 23B and 23C of M.G.L. Chapter 39.

ARTICLE TWELFTH: City Board

The Trust is a board of the City for purposes of M.G.L. Chapter 30B (Uniform Procurement Act) and Section 15A of M.G.L. Chapter 40 (Transfers of Land); but agreements and conveyances between the Trust and agencies, boards, commissions, authorities, departments and public instrumentalities of the City shall be exempt from said Chapter 30B.

ARTICLE THIRTEENTH: Duration of the Trust

This Trust shall be of indefinite duration, until terminated in accordance with applicable law. Upon termination of the Trust, subject to the payment of or making provisions for the payment of all obligations and liabilities of the Trust and the Trustees, the net assets of the Trust shall be transferred to the City and held by the City Council for affordable housing purposes. In making any such distribution, the Trustees may, subject to the approval of the City Council, sell all or any portion of the Trust property and distribute the net proceeds thereof or they may distribute any of the assets in kind. The powers of the Trustees shall continue until the affairs of the Trust are concluded.

ARTICLE FOURTEENTH: Reports to the City Council; Annual Audits

- (A) The Trust shall, on a quarterly basis, provide written reports to the Mayor and City Council on each and every aspect of the business conducted by Trust in the previous quarter. The reports shall be provided on or before the 15th day of the month following the first day of a calendar quarter.
- (B) Pursuant to M.G.L. Chapter 44, Section 55C(h), the books and records of the Trust shall be audited annually by an independent auditor in accordance with accepted accounting practices for municipalities. The auditor shall work for the City Treasurer. However, the costs of the audit shall be paid from the Trust.

ARTICLE FIFTEENTH: Amendments

This Declaration of Trust may be amended from time to time except as to those provisions specifically required under M.G.L. Chapter 44 Section 55C by the City Council, and which shall be memorialized by a written amended Declaration of Trust signed by the City Council and the then duly qualified and acting Trustees. A Certificate of Trust for the Amended Declaration of Trust shall be recorded as set out for the original Certificate of Trust pursuant to Article First.

ARTICLE SIXTEENTH: Authority to Execute

Pursuant to Section 2.53 of The Code of Ordinances of the City of Gloucester, Massachusetts, the Mayor may authorize the Trustees to execute, deliver, and record with the Southern Essex District Registry of Deeds any documents required for any conveyance authorized hereunder.

ARTICLE SEVENTEENTH: Titles

The titles to the various Articles herein are for convenience only and are not to be considered part of said Articles nor shall they affect the meaning or the language of any such Article.

The City Council, for themselves and their successors, hereby acknowledge and agree to the terms of this Trust, and the Trustees named hereunder, hereby acknowledge and agree for themselves and their

successors to hold the trust property for the purposes hereof in trust for the benefit of all of the Inhabitants of the City of Gloucester, Massachusetts, in the manner and under the terms and conditions set forth herein.

Witness the execution under seal this _____ day of September, 2008

City Councilor

Trustee

City Councilor

Trustee

City Councilor

Trustee

City Councilor

Trustee

City Councilor

Trustee

City Councilor

City Councilor

City Councilor

City Councilor

Commonwealth of Massachusetts

Essex, ss.

_____, 2008

On this _____ day of September, 2008, before me, the undersigned notary public, personally appeared

proved to me through satisfactory evidence of identification, which was _____, to be the persons whose names are signed on the preceding document in my presence and acknowledged to me that they signed it voluntarily for its stated purpose, as City Councilors of the City of Gloucester.

Notary Public
My Commission Expires _____

Commonwealth of Massachusetts

Essex, ss.

, 2008

On this ____ day of September, 2008, before me, the undersigned notary public, personally appeared

____ proved to me through satisfactory evidence of identification, which was _____, to be the persons whose name are signed on the preceding document in my presence and acknowledged to me that they signed it voluntarily for its stated purpose, as Trustees of the City of Gloucester Affordable Housing Trust Fund.

Notary Public
My Commission Expires

Certificate of Trust
Trustee's Certificate Pursuant to MGL Chapter 184, Section 35

Name of Trust: **Gloucester Affordable Housing Trust Fund**

I, _____, Trustee of the Gloucester Affordable Housing Trust Fund under the Declaration of Trust dated _____, 2008 (the "Trust") as established by the City of Gloucester, Massachusetts, by an ordinance dated October 17, 2006. The original and current Trustees, certify as follows:

a. Names of Trustees:

Mayor Carolyn A. Kirk	Michael J. Luster	Sarah Buck, Community Development Dir.
Mary John Boylan	Ruth E. Pino	
Mary E. Works Cooke	George R. Sibley	

are the current Trustees of the Trust. If any of us shall fail or cease to serve, successor Trustees shall be appointed by the Mayor and approved by the City Council of the City of Gloucester, Massachusetts, which appointments shall be of record in the official records of the City of Gloucester, said appointed and approved persons shall serve as successor Trustees;

- b. the Trustees of the Trust have authority to act with respect to real estate owned by the Trust, and have full and absolute power under said Trust to convey any interest of real estate and improvements thereon held in said Trust, and a purchaser or third party shall be bound to inquire whether the Trustees have said power or are properly exercising said power, in order to see to the application of any Trust asset paid to the Trustees for a conveyance thereof; and
- c. There are no facts which constitute conditions precedent to acts by the Trustees or which are in any other manner germane to the affairs of the Trust.

Executed as a sealed instrument under the pain and penalties of perjury on _____, 2008.

Trustee

Commonwealth of Massachusetts

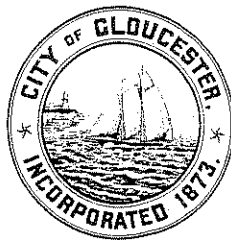
Essex, ss.

_____, 2008

On this _____ day of _____, 2008, before me, the undersigned notary public, personally appeared _____, and proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding document in my presence and acknowledged to me that he/she signed voluntarily for its stated purpose, as Trustee of the Gloucester Affordable Housing Trust Fund.

Notary Public
My Commission Expires _____

City Hall
Nine Dale Avenue
Gloucester, MA 01930



TEL 978-281-9700
FAX 978-281-9738
ckirk@ci.gloucester.ma.us

CITY OF GLOUCESTER
OFFICE OF THE MAYOR

February 5, 2009

Mr. Mark Evans
35 Riverview Road
Gloucester, MA 01930

Dear Mark:

I am pleased to reappoint you to a three year term on the Board of Health. Your appointment will be sent to the City Council for their meeting of February 10, 2009 and will be referred to the Ordinance and Administration subcommittee. You will receive a notice from the Clerk of committees as to the date on which your appointment will be discussed by the committee.

I have issued you a 90-day temporary appointment, effective February 15, 2009. Please report to the City Clerk's office to pick up your appointment card (copy attached) and be sworn in at your earliest convenience.

On behalf of the City of Gloucester, I greatly appreciate your dedication to public service and look forward to working with you in the coming years to help make Gloucester a better place for all of us to live.

Should you have any questions or if you require any further information, please do not hesitate to contact my office.

Thank you again.

Sincerely,

Carolyn A. Kirk
Mayor

Enclosure
CAK/c

The City of Gloucester, Massachusetts

Dear Mark Evans, 35 Riverview Road, Gloucester, MA 01930

*It is my pleasure to inform you that I have this day appointed you
to the Board of Health
of the City of Gloucester, Massachusetts.*

Effective February 15, 2009.

This is a 90-day temporary appointment.
After City Council approval, term to expire 2/14/2012.

Respectfully,



Mayor

N.B. You are required to be sworn in at the office of the City Clerk before acting
under the appointment.

SWORN IN _____ BY _____

(Code 1970, § 2-187)

State law reference(s)--Selection of board chairman, M.G.L.A. c. 41, § 24.

Sec. 2-417. Duties of secretary.

The secretary of the board of assessors shall keep a full and complete record of the doings of the board, and shall have in his custody the official records to be kept by assessors and he likewise shall perform the duties required of a secretary of a board of assessors by law or as may be required by the commissioner of the department of revenue of the commonwealth.

(Code 1970, § 2-188)

State law reference(s)--Selection of secretary, M.G.L.A. c. 41, § 24.

Sec. 2-418. Books and records.

The board of assessors shall cause to be carefully protected and preserved all books, records and papers belonging to the assessor's department and a detailed and accurate record in permanent form shall be kept relating to all the official acts of the board of assessors.

(Code 1970, § 2-189)

Secs. 2-419--2-424. Reserved.

DIVISION 3. BOARD OF HEALTH*

***State law reference(s)**--City and town boards of health generally, M.G.L.A. c. 111, §§ 26--32.

Sec. 2-425. Composition; appointment, term and removal of members.

The board of health shall consist of five (5) members all of whom shall be appointed by the mayor, subject to the approval of the city council, staggered terms of three (3) years each.

(Code 1970, § 2-297; Ord. No. 4-1991, § I, 2-26-91)

State law reference(s)--Similar provisions, M.G.L.A. c. 111, § 26.

Sec. 2-426. Members not compensated.

Members of the board of health shall receive no compensation for their services.

(Code 1970, § 2-298)

State law reference(s)--Members of board of health to receive such compensation as council determines, M.G.L.A. c. 111, § 26.

Sec. 2-427. Selection of chairman.

The board of health shall organize annually by the selection of one (1) of its members as chairman.

(Code 1970, § 2-299)

State law reference(s)--Similar provisions, M.G.L.A. c. 111, § 27.

City Hall
Nine Dale Avenue
Gloucester, MA 01930



TEL 978-281-9700
FAX 978-281-9738
ckirk@ci.gloucester.ma.us

CITY OF GLOUCESTER
OFFICE OF THE MAYOR

February 5, 2009

Mr. William Kyrouz
22 Haskell Street
Gloucester, MA 01930

Dear Mr. Kyrouz:

I am pleased to reappoint you to a three year term to the Capital Improvement Advisory Committee. Your appointment will be sent to the City Council for their meeting of February 10, 2009 and will be referred to the Ordinance and Administration subcommittee. You will receive a notice from the Clerk of committees as to the date on which your appointment will be discussed by the committee.

I have issued you a 90-day temporary appointment, effective February 15, 2009. Please report to the City Clerk's office to pick up your appointment card (copy attached) and be sworn in at your earliest convenience.

On behalf of the City of Gloucester, I greatly appreciate your dedication to public service and look forward to working with you in the coming years to help make Gloucester a better place for all of us to live.

Should you have any questions or if you require any further information, please do not hesitate to contact my office.

Thank you again.

Sincerely,

Carolyn A. Kirk
Mayor

Enclosure
CAK/c

The City of Gloucester, Massachusetts

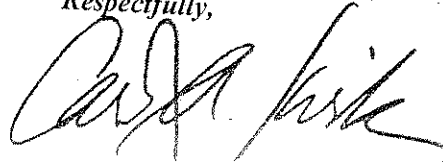
Dear William Kyrouz, 22 Haskell Street, Gloucester, MA 01930

*It is my pleasure to inform you that I have this day appointed you
to the Capital Improvement Advisory Board
of the City of Gloucester, Massachusetts.*

Effective February 15, 2009.

This is a 90-day temporary appointment.
After City Council approval, term to expire 2/14/2012.

Respectfully,

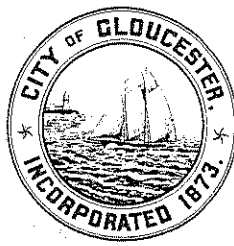


Mayor

N.B. *You are required to be sworn in at the office of the City Clerk before acting
under the appointment.*

SWORN IN _____ BY _____

City Hall
Nine Dale Avenue
Gloucester, MA 01930



TEL 978-281-9700
FAX 978-281-9738
ckirk@ci.gloucester.ma.us

CITY OF GLOUCESTER
OFFICE OF THE MAYOR

February 5, 2009

Mr. Roland Hadley
257 Concord Street
Gloucester, MA 01930

Dear Roland:

I am pleased to reappoint you to a three year term on the Capital Improvement Advisory Committee. Your appointment will be sent to the City Council for their meeting of February 10, 2009 and will be referred to the Ordinance and Administration subcommittee. You will receive a notice from the Clerk of committees as to the date on which your appointment will be discussed by the committee.

I have issued you a 90-day temporary appointment, effective February 15, 2009. Please report to the City Clerk's office to pick up your appointment card (copy attached) and be sworn in at your earliest convenience.

On behalf of the City of Gloucester, I greatly appreciate your dedication to public service and look forward to working with you in the coming years to help make Gloucester a better place for all of us to live.

Should you have any questions or if you require any further information, please do not hesitate to contact my office.

Thank you again.

Sincerely,

Carolyn A. Kirk
Mayor

Enclosure
CAK/c

The City of Gloucester, Massachusetts

Dear Roland Hadley, 257 Concord Street, Gloucester, MA 01930

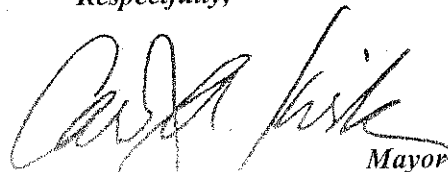
*It is my pleasure to inform you that I have this day appointed you
to the Capital Improvement Advisory Committee
of the City of Gloucester, Massachusetts.*

Effective February 15, 2009.

This is a 90-day temporary appointment.

After City Council approval, term to expire 2/14/2012.

Respectfully,



Mayor

*N.B. You are required to be sworn in at the office of the City Clerk before acting
under the appointment.*

SWORN IN _____ BY _____

Sec. 2-585. Annual planning; capital improvements advisory board established.

A long range plan to serve as guidelines for capital improvements in the city shall be prepared each year in writing by the mayor subject to approval by the city council. Development of the plan shall take into account the recommendations made by a capital improvements advisory board, which is hereby established.

(Code 1970, § 2-18)

Sec. 2-586. Capital improvements advisory board--Function, composition, appointment, terms of office.

(a) The capital improvements advisory board shall consist of seven (7) members appointed by the mayor from the community at large with due care for providing an optimum mix of background and expertise, whose terms of three (3) years shall be staggered. The mayor shall designate a chairman of the board, who shall serve for a term of one (1) year and may be reappointed. All the members of the board shall elect a vice chairman from the membership, again on a yearly basis. No member of the city council shall serve as a member of the board.

(b) The board shall be appraised of the preparation of the ten-year capital improvements program developed by the community development department on a continuing basis, shall review the final ten-year program and shall submit a report on its review to the mayor.

(c) Minutes of each meeting of the capital improvements advisory shall be forwarded forthwith to each member of the city council.

(Code 1970, § 2-21; Ord. of 8-6-85, § I; Ord. No. 6-1991, § I, 2-26-91)

Sec. 2-587. Capital improvement plan.

(a) The capital improvement plan shall be concerned with physical facilities, such as land, buildings or other structures, or pieces of equipment, which require a relatively large investment and have a relatively long useful life.

(b) The capital improvement plan shall specify a detailed program of capital expenditures over a period of ten (10) fiscal years from the date on which it becomes effective and shall specify the methods of financing the proposed capital improvements.

(c) Guidelines for the planning process, specifying minimum cost and useful life of capital improvements to be considered in the capital improvement plan, the maximum proportion of total budget to be devoted to capital improvements, and any restrictions on methods of financing, shall be established on recommendation of the mayor and approval by the city council.

(d) The capital improvement plan shall be submitted by the mayor to the city council no later than ninety (90) days before the first day of the fiscal year in which it is to take effect. The plan shall be updated annually during the time it is in effect.

(Code 1970, §§ 2-19, 2-20; Ord. No. 6-1991, § I, 2-26-91)

Sec. 2-588. Scope of division.

Nothing in this division shall be construed as preempting or diminishing the statutory prerogatives of the city council or the mayor.

(Code 1970, § 2-22)

City Hall
Nine Dale Avenue
Gloucester, MA 01930



TEL 978-281-9700
FAX 978-281-9738
ckirk@ci.gloucester.ma.us

CITY OF GLOUCESTER
OFFICE OF THE MAYOR

February 5, 2009

Mrs. Judith Hoglander
52 Shore Road
P.O. Box 5
Magnolia, MA 01930

Dear Judith:

I am pleased to reappoint you to a four year term on the Committee for the Arts. Your appointment will be sent to the City Council for their meeting of February 10, 2009 and will be referred to the Ordinance and Administration subcommittee. You will receive a notice from the Clerk of committees as to the date on which your appointment will be discussed by the committee.

I have issued you a 90-day temporary appointment, effective February 15, 2009. Please report to the City Clerk's office to pick up your appointment card (copy attached) and be sworn in at your earliest convenience.

On behalf of the City of Gloucester, I greatly appreciate your dedication to public service and look forward to working with you in the coming years to help make Gloucester a better place for all of us to live.

Should you have any questions or if you require any further information, please do not hesitate to contact my office.

Thank you again.

Sincerely,

Carolyn A. Kirk
Mayor

Enclosure
CAK/c

The City of Gloucester, Massachusetts

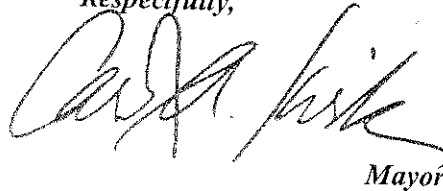
Dear Judith Hoglander, 52 Shore Road, Magnolia, MA 01930

*It is my pleasure to inform you that I have this day appointed you
to the Committee for the Arts
of the City of Gloucester, Massachusetts.*

Effective February 15, 2009.

This is a 90-day temporary appointment.
After City Council approval, term to expire 2/14/2013.

Respectfully,



Mayor

*N.B. You are required to be sworn in at the office of the City Clerk before acting
under the appointment.*

SWORN IN _____ BY _____

- (1) Organize and direct volunteer efforts to keep Gloucester beautiful;
- (2) Keep the mayor and the appropriate city departments informed of the maintenance and beautification needs of public property;
- (3) Work with all city departments, including the department of public works, the department of parks and recreation, the school department, the conservation commission, and the waterways board, to keep Gloucester beautiful.

(Ord. No. 20-1996, § I, 7-9-96)

Sec. 2-507. Powers and duties.

The powers and duties of the commission shall include the following:

- (1) To support and assist all city departments in their efforts to maintain a safe and clean environment;
- (2) To submit reports to the mayor and the appropriate city departments concerning the matters set forth in section 2-506 herein;
- (3) To submit plans for resolving problems concerning the matters set forth in section 2-506 herein to the mayor and the appropriate city departments; and
- (4) To render to the mayor, the city council and the appropriate city departments a full written report of its activities and its recommendations, not less than once a year.

(Ord. No. 20-1996, § I, 7-9-96)

DIVISION 10. COMMITTEE FOR THE ARTS

Sec. 2-508. Created.

This is hereby created and established a committee to be known as the committee for the arts.

(Ord. No. 112-2000, § I, 11-28-00)

Sec. 2-509. Composition; appointment and terms of members.

The committee for the arts shall consist of a minimum of five (5) members and a maximum of seven (7) members, one to be the mayor or his designee from time to time acting in his stead and the other four (4) to be residents of the city appointed by the mayor to serve staggered terms of four (4) years. The mayor in office shall continue his membership on the committee for the term for which he is elected.

(Ord. No. 112-2000, § I, 11-28-00)

Sec. 2-510. Qualifications of members; city officers not eligible except as mayoral designee from time to time.

- (a) At least three (3) of the appointed members of the committee for the arts shall have had experience in the arts by reason of vocation, avocation, or by membership in a private or public entity devoted to the arts.
- (b) None of the appointed members of the committee for the arts shall hold any elected office.

(Ord. No. 112-2000, § I, 11-28-00)

Sec. 2-511. Chairman.

The chairman of the committee for the arts shall be elected by majority vote of the membership.
(Ord. No. 112-2000, § I, 11-28-00)

Sec. 2-512. Assistance of city officials, board and employees.

The committee shall receive regular support and assistance from the community development department. Such department may undertake planning, implementation and review responsibilities on behalf of the committee. Further, the committee may request the services and assistance of any of the officials, boards, and through the mayor, employees of the city at all reasonable times when the committee determines that it requires the assistance and advice of such officials and employees in the performance of its duties.

(Ord. No. 112-2000, § I, 11-28-00)

Sec. 2-513. Duties.

It shall be the duty of the committee for the arts to promote the arts, visual, written, performed and spoken, to foster within the community, a knowledge and appreciation of artistic endeavors, commercial or otherwise, to seek out private or public assistance by way of donations or grants and to do all appropriate acts that encourage the continuation of artistic endeavors within the city; to establish premises and offices and to spread the fame of local artists and educate the public.

(Ord. No. 112-2000, § I, 11-28-00)

Secs. 2-514--2-559. Reserved.

ARTICLE VI. FINANCE*

***Charter reference(s)**--Provisions relating to council committee on budget and finance, section 2-9; provisions relating to municipal financial procedures, section 6-1 et seq.

Cross reference(s)--Ordinances promising or guaranteeing payment of money for the city or authorizing the issuance of any bonds of the city or any evidence of the city's indebtedness, or any contract or obligation assumed by the city saved from repeal, § 1-7(2); appropriation ordinances saved from repeal, § 1-7(14); ordinances levying or imposing taxes saved from repeal, § 1-7(15).

State law reference(s)--Municipal finance generally, M.G.L.A. c. 44, § 1 et seq.

DIVISION 1. GENERALLY**Sec. 2-560. Fiscal year.**

The city's fiscal year shall begin on the first day of July in each year and end on the thirtieth day of the following June in each year, including both days.

(Code 1970, § 2-1)

State law reference(s)--Fiscal year of cities, M.G.L.A. c. 44, § 56A.

Sec. 2-561. Payroll procedure.

City Hall
Nine Dale Avenue
Gloucester, MA 01930



TEL 978-281-9700
FAX 978-281-9738
ckirk@ci.gloucester.ma.us

CITY OF GLOUCESTER
OFFICE OF THE MAYOR

February 5, 2009

Mr. Charles Anderson, Jr.
16 Cleveland Place
Gloucester, MA 01930

Dear Mr. Anderson:

I am pleased to reappoint you to a three year term on the Conservation Commission. Your appointment will be sent to the City Council for their meeting of February 10, 2009 and will be referred to the Ordinance and Administration subcommittee. You will receive a notice from the Clerk of committees as to the date on which your appointment will be discussed by the committee.

I have issued you a 90-day temporary appointment, effective February 15, 2009. Please report to the City Clerk's office to pick up your appointment card (copy attached) and be sworn in at your earliest convenience.

On behalf of the City of Gloucester, I greatly appreciate your dedication to public service and look forward to working with you in the coming years to help make Gloucester a better place for all of us to live.

Should you have any questions or if you require any further information, please do not hesitate to contact my office.

Thank you again.

Sincerely,

Carolyn A. Kirk
Mayor

Enclosure
CAK/c

The City of Gloucester, Massachusetts

Dear Charles Anderson, Jr., 16 Cleveland Place, Gloucester, MA 01930

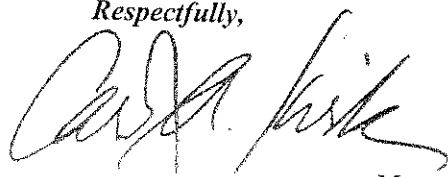
*It is my pleasure to inform you that I have this day appointed you
to the Conservation Commission
of the City of Gloucester, Massachusetts.*

Effective February 15, 2009.

This is a 90-day temporary appointment.

After City Council approval, term to expire 2/14/2012.

Respectfully,



Mayor

N.B. *You are required to be sworn in at the office of the City Clerk before acting
under the appointment.*

SWORN IN _____ BY _____

~~State law reference(s)--Similar provisions, M.G.L.A. c. 41, § 70.~~

Sec. 16-20. Annual report.

The planning board shall annually make a written report of its activities to the mayor.

(Code 1970, § 15-18)

~~State law reference(s)--Similar provisions, M.G.L.A. c. 41, § 71.~~

~~Secs. 16-21--16-29. Reserved.~~

ARTICLE III. CONSERVATION COMMISSION*

***Cross reference(s)**--Boards, commissions, councils and committees, § 2-400 et seq.; conservation commission to promulgate rules and regulations relating to marshlands, § 12-19.

Sec. 16-30. Created.

There is hereby created a conservation commission under the authority of M.G.L.A. c. 40, § 8C.

(Code 1970, § 2-328)

Sec. 16-31. Composition; appointment; terms of members.

The conservation commission shall consist of seven (7) members, all of whom shall be residents of the city and all of whom shall be appointed by the mayor, subject to approval of the city council, to staggered terms of three (3) years.

(Code 1970, § 2-329)

State law reference(s)--Similar provisions, M.G.L.A. c. 40, § 8C.

Sec. 16-32. Powers and duties.

The conservation commission shall have all the duties and powers given to conservation commissions by M.G.L.A. c. 40, § 8C.

(Code 1970, § 2-330)

Sec. 16-33. Condemnation of land or water upon commission's request.

(a) For the purposes of this article, the city may, upon the written request of the conservation commission, take, by eminent domain under M.G.L.A. c. 79, the fee or any lesser interest in any land or waters located in the city, provided the taking has first been approved by two-thirds vote of the city council, which land and water shall thereupon be under the jurisdiction and control of the conservation commission.

(b) No action taken under this section shall affect the powers and duties of the state reclamation board or any mosquito control or other project operating under or authorized by M.G.L.A. c. 252, or restrict any established public access.

(c) Lands used for farming or agriculture, as defined in M.G.L.A. c. 128, § 1A shall not be taken by eminent domain under the authority of this section.

City Hall
Nine Dale Avenue
Gloucester, MA 01930



TEL 978-281-9700
FAX 978-281-9738
ckirk@ci.gloucester.ma.us

CITY OF GLOUCESTER
OFFICE OF THE MAYOR

February 5, 2009

Mr. Frederick Cowan
660R Washington Street
Gloucester, MA 01930

Dear Mr. Cowan:

I am pleased to reappoint you to a three year term on the Council on Aging. Your appointment will be sent to the City Council for their meeting of February 10, 2009 and will be referred to the Ordinance and Administration subcommittee. You will receive a notice from the Clerk of committees as to the date on which your appointment will be discussed by the committee.

I have issued you a 90-day temporary appointment, effective February 15, 2009. Please report to the City Clerk's office to pick up your appointment card (copy attached) and be sworn in at your earliest convenience.

On behalf of the City of Gloucester, I greatly appreciate your dedication to public service and look forward to working with you in the coming years to help make Gloucester a better place for all of us to live.

Should you have any questions or if you require any further information, please do not hesitate to contact my office.

Thank you again.

Sincerely,

Carolyn A. Kirk
Mayor

Enclosure
CAK/c

The City of Gloucester, Massachusetts

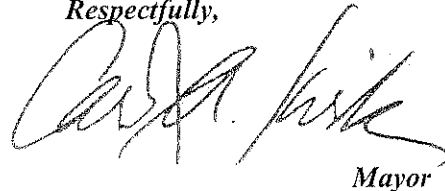
Dear Frederick Cowan, 660R Washington Street, Gloucester, MA 01930

*It is my pleasure to inform you that I have this day appointed you
to the Council on Aging
of the City of Gloucester, Massachusetts.*

Effective February 15, 2009.

This is a 90-day temporary appointment.
After City Council approval, term to expire 2/14/2012.

Respectfully,

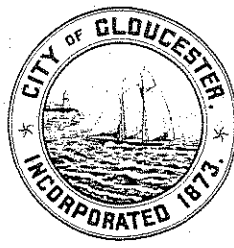


Mayor

*N.B. You are required to be sworn in at the office of the City Clerk before acting
under the appointment.*

SWORN IN _____ BY _____

City Hall
Nine Dale Avenue
Gloucester, MA 01930



TEL 978-281-9700
FAX 978-281-9738
ckirk@ci.gloucester.ma.us

CITY OF GLOUCESTER
OFFICE OF THE MAYOR

February 5, 2009

Ms. Lee Harty
9 Marina Drive
Gloucester, MA 01930

Dear Lee:

I am pleased to reappoint you to a three year term on the Council on Aging. Your appointment will be sent to the City Council for their meeting of February 10, 2009 and will be referred to the Ordinance and Administration subcommittee. You will receive a notice from the Clerk of committees as to the date on which your appointment will be discussed by the committee.

I have issued you a 90-day temporary appointment, effective February 15, 2009. Please report to the City Clerk's office to pick up your appointment card (copy attached) and be sworn in at your earliest convenience.

On behalf of the City of Gloucester, I greatly appreciate your dedication to public service and look forward to working with you in the coming years to help make Gloucester a better place for all of us to live.

Should you have any questions or if you require any further information, please do not hesitate to contact my office.

Thank you again.

Sincerely,

Carolyn A. Kirk
Mayor

Enclosure
CAK/c

The City of Gloucester, Massachusetts

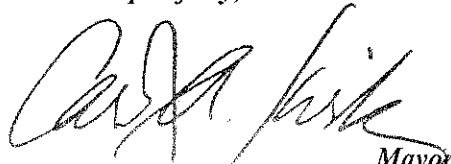
Dear Lee Harty, 9 Marina Drive, Gloucester, MA 01930

*It is my pleasure to inform you that I have this day appointed you
to the Council on Aging
of the City of Gloucester, Massachusetts.*

Effective February 15, 2009.

This is a 90-day temporary appointment.
After City Council approval, term to expire 2/14/2012.

Respectfully,



Mayor

N.B. *You are required to be sworn in at the office of the City Clerk before acting
under the appointment.*

SWORN IN _____ BY _____

City Hall
Nine Dale Avenue
Gloucester, MA 01930



TEL 978-281-9700
FAX 978-281-9738
ckirk@ci.gloucester.ma.us

CITY OF GLOUCESTER
OFFICE OF THE MAYOR

February 5, 2009

Mr. Jay Gustafarro
9 Starknaught Road
Gloucester, MA 01930

Dear Mr. Gustafarro:

I am pleased to reappoint you to a three year term on the Council on Aging. Your appointment will be sent to the City Council for their meeting of February 10, 2009 and will be referred to the Ordinance and Administration subcommittee. You will receive a notice from the Clerk of committees as to the date on which your appointment will be discussed by the committee.

I have issued you a 90-day temporary appointment, effective February 15, 2009. Please report to the City Clerk's office to pick up your appointment card (copy attached) and be sworn in at your earliest convenience.

On behalf of the City of Gloucester, I greatly appreciate your dedication to public service and look forward to working with you in the coming years to help make Gloucester a better place for all of us to live.

Should you have any questions or if you require any further information, please do not hesitate to contact my office.

Thank you again.

Sincerely,

Carolyn A. Kirk
Mayor

Enclosure
CAK/c

The City of Gloucester, Massachusetts

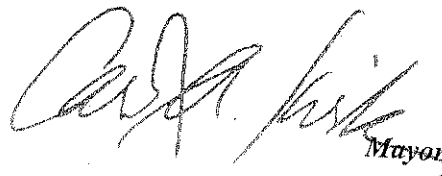
Dear Jay Gustaferro, 9 Starknaught Road, Gloucester, MA 01930

*It is my pleasure to inform you that I have this day appointed you
to the Council on Aging
of the City of Gloucester, Massachusetts.*

Effective February 15, 2009.

This is a 90-day temporary appointment.
After City Council approval, term to expire 2/14/2012.

Respectfully,


Mayor

N.B. You are required to be sworn in at the office of the City Clerk before acting
under the appointment.

SWORN IN _____ BY _____

COUNCIL ON AGING

Sec. 2-428. Rules and regulations.

The board of health may make rules and regulations for its own government and for the government of its officers, agents, and assistants.

(Code 1970, § 2-303)

State law reference(s)--Similar provisions, M.G.L.A. c. 111, § 27.

Sec. 2-429. Appointment of physician to take and examine cultures and school physician.

The board of health may appoint a physician to the board, who shall take and examine all cultures, and shall appoint a school physician, neither of whom shall be a member of the board. Such physicians shall hold their offices according to the provisions of the civil service laws and regulations governing such offices.

(Code 1970, § 2-300)

Cross reference(s)--Duty of school physician relative to vaccination of pupils, § 18-4.

State law reference(s)--Appointment of physician to board, M.G.L.A. c. 111, § 27; appointment of school physician, M.G.L.A. c. 71, § 53.

Sec. 2-430. Employment of clerk and other assistants.

The board of health may appoint a clerk according to the provisions of the civil service laws and regulations governing such an office, which clerk shall not be a member of the board. The board may also employ the necessary officers, agents and assistants to execute the health laws and the board's regulations.

(Code 1970, § 2-301)

State law reference(s)--Similar provisions, M.G.L.A. c. 111, § 27.

Sec. 2-431. Compensation of clerk and assistants.

The board of health may fix the salaries or compensation of its clerk and other agents and assistants.

(Code 1970, § 2-302)

State law reference(s)--Similar provisions, M.G.L.A. c. 111, § 27.

Secs. 2-432--2-439. Reserved.

DIVISION 4. COUNCIL FOR THE AGING

Sec. 2-440. Established; composition; appointment and terms of members.

There is hereby established a council for the aging consisting of the director of public works, the chairman of the board of health, or their respective representatives, and not less than three (3) nor more than seven (7) additional members appointed by the mayor from the voters and residents of the city. Appointees shall serve staggered terms of three (3) years, commencing at the date of the appointment.

(Code 1970, § 2-343; Ord. of 2-22-77, § 1; Ord. of 5-27-86, § 1)

State law reference(s)--Municipal authority to establish council for the aging, M.G.L.A. c. 40, § 8B.

Sec. 2-441. Members not compensated.

The members of the council for the aging shall serve without compensation.

(Code 1970, § 2-344)

Sec. 2-442. Designation of chairman.

The chairman of the council for the aging shall be elected for a two-year term by vote of the membership.

(Code 1970, § 2-345; Ord. No. 25-1996, § J, 4-18-95)

Sec. 2-443. Supervision.

The council for the aging shall be under the administrative supervision of the mayor.

(Code 1970, § 2-346)

Sec. 2-444. Duties.

It shall be the duty of the council for the aging to carry out programs designed to meet problems of the aging in coordination with programs of the council for the aging established under M.G.L.A. c. 6, § 73.

(Code 1970, § 2-347)

Secs. 2-445--2-449. Reserved.

DIVISION 5. MARINERS MEDAL COMMITTEE

Sec. 2-450. Created.

There is hereby created and established a committee to be known as the mariners medal committee.

(Code 1970, § 2-385)

Sec. 2-451. Composition; appointment and terms of members.

The mariners medal committee shall consist of five (5) members, one to be the mayor and the other four (4) to be residents of the city appointed by the mayor to serve staggered terms of four (4) years. The mayor in office shall continue his membership on the committee for the term for which he is elected.

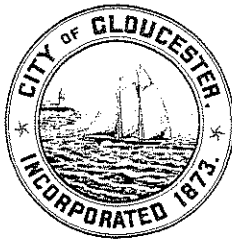
(Code 1970, § 2-386)

Sec. 2-452. Qualifications of members; city officers not eligible.

(a) At least three (3) of the appointed members of the mariners medal committee shall have had experience on the high seas as master of some commercial vessel.

(b) None of the four (4) appointed members of the mariners medal committee shall hold any elective or appointive office within the government of the city when appointed, and should they

City Hall
Nine Dale Avenue
Gloucester, MA 01930



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FAX 978-281-9738
ckirk@ci.gloucester.ma.us

CITY OF GLOUCESTER
OFFICE OF THE MAYOR

February 5, 2009

Ms. Katherine Cuddyer
53 Grapevine Road
Gloucester, MA 01930

Dear Kathy:

I am pleased to reappoint you to a three year term on the Downtown Development Commission. Your appointment will be sent to the City Council for their meeting of February 10, 2009 and will be referred to the Ordinance and Administration subcommittee. You will receive a notice from the Clerk of committees as to the date on which your appointment will be discussed by the committee.

I have issued you a 90-day temporary appointment, effective February 15, 2009. Please report to the City Clerk's office to pick up your appointment card (copy attached) and be sworn in at your earliest convenience.

On behalf of the City of Gloucester, I greatly appreciate your dedication to public service and look forward to working with you in the coming years to help make Gloucester a better place for all of us to live.

Should you have any questions or if you require any further information, please do not hesitate to contact my office.

Thank you again.

Sincerely,

Carolyn A. Kirk
Mayor

Enclosure
CAK/c

The City of Gloucester, Massachusetts

Dear Katherine Cuddy, 53 Grapevine Road, Gloucester, MA 01930

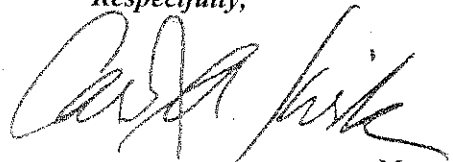
*It is my pleasure to inform you that I have this day appointed you
to the Downtown Development Commission
of the City of Gloucester, Massachusetts.*

Effective February 15, 2009.

This is a 90-day temporary appointment.

After City Council approval, term to expire 2/14/2012.

Respectfully,



Mayor

*N.B. You are required to be sworn in at the office of the City Clerk before acting
under the appointment.*

SWORN IN _____ BY _____



CERTIFICATE OF VOTE

The Gloucester City Council, at a meeting held on, **TUESDAY, September 04, 2007**, at 7:00 p.m. In the Fred J. Kyrouz Auditorium, City Hall voted to approve the following action:

IN CITY COUNCIL:

MOTION: On motion of Councilor Tobey, seconded by Councilor Hardy the City Council voted 9 in favor, 0 opposed that Division 7, entitled "Downtown Development Commission", Section 2-492, entitled "Created; membership; terms" be amended by **DELETING:** (a) There is hereby recreated and reestablished in the City of Gloucester a commission to be known as the downtown development commission consisting of seven (7) members, all of whom shall be appointed by the mayor of the city and shall be confirmed by the Gloucester City Council and by **ADDING:** (a) There is hereby recreated and reestablished in the City of Gloucester a commission to be known as the downtown development commission consisting of nine (9) members, one (1) member shall be a City Councilor, who shall serve ex officio, all of whom shall be appointed by the mayor of the city and shall be confirmed by the Gloucester City Council.

Robert D. Whynott

Robert D. Whynott, City Clerk

APPROVAL OF THE MAYOR

John P. Bell
John P. Bell, Mayor

VETOED BY THE MAYOR

John P. Bell
John P. Bell, Mayor

SIGNED THIS 6 DAY OF Sept, 2007

All Ordinances shall become effective 31 days after passage except:
Emergency Orders shall become Effective Next Day
Zoning Changes shall be Effective Next Day.

purpose of filling a vacancy for any other reason, the appointment of the unexpired term immediately shall be made by the mayor and forwarded to the city council for their approval.

(Ord. No. 21-1991, 6-18-91)

Sec. 2-475. Assistance of city officials, boards and employees.

The commission shall receive regular support and assistance from the community development department. Such department may undertake planning, implementation and review responsibilities on behalf of the commission. Further, the commission may request the services and assistance of any of the officials, boards; and through the mayor, employees of the city at all reasonable times when the commission determines that it requires the assistance and advice of such officials, boards and employees in the performance of its duties.

(Ord. No. 21-1991, 6-18-91)

Sec. 2-476. Semi-annual reports.

The tourism commission shall submit semi-annually a report to the mayor and the city council of its activities.

(Ord. No. 21-1991, 6-18-91)

Secs. 2-477--2-490. Reserved.

DIVISION 7. DOWNTOWN DEVELOPMENT COMMISSION*

*Editor's note--Inasmuch as Ord. No. 28-1991, adopted July 7, 1991, did not specify manner of codification, inclusion herein as Division 7, §§ 2-491--2-495, was at the discretion of the editor.

Sec. 2-491. Purpose.

In recognition of the continuing need for preservation, revitalization and improvement of Gloucester's central business district and its environs, a downtown development commission is hereby recreated and reestablished.

(Ord. No. 28-1991, 7-7-91)

Sec. 2-492. Created; membership; terms.

(a) There is hereby recreated and reestablished in the City of Gloucester a commission to be known as the downtown development commission consisting of seven (7) members, all of whom shall be appointed by the mayor of the city and shall be confirmed by the Gloucester City Council. Upon the establishment of this commission the mayor shall appoint three (3) members for three (3) years; two (2) members for two (2) years; and two (2) members for one (1) year; and as each term expires the mayor in like manner shall appoint members to serve for three (3) years.

(b) In the case of resignation, death or disqualification of any member of the commission, or for the purpose of filling a vacancy for any other reason, the appointment for the unexpired term shall immediately be made by the mayor.

(Ord. No. 28-1991, 7-7-91)

Sec. 2-493. Mission.

It shall be the mission of the downtown development commission to encourage economic revitalization within a context of historic preservation, community involvement and activities, a strong identity and tourism. The commission shall undertake, but not be limited to, the following activities:

- (1) Examine and evaluate conditions on an on-going basis.
- (2) Propose and promote physical improvements.
- (3) Coordinate public and private efforts.
- (4) Encourage, in cooperation with the Cape Ann Chamber of Commerce, a creative marketing plan, coordinated advertising, promotions and special events.
- (5) Promote the establishment of new businesses.
- (6) Encourage the establishment of special committees, composed of municipal officials, bankers, merchants, industrialists, preservationists, chamber of commerce officials, downtown residents, design professionals, developers, real estate brokers, and others concerned with downtown.
- (7) Promote and encourage the proper mix of goods, services, housing, recreation and entertainment.
- (8) Coordinate, through the community development department, the activities related to downtown of the historical commission, the historic district commission, the waterways commission, the planning board, the tourism commission, the economic development and industrial corporation, the redevelopment authority, and the housing authority.

(Ord. No. 28-1991, 7-7-91)

Sec. 2-494. Assistance of city officials, boards and employees.

The commission shall receive regular support and assistance from the community development department. Such department may undertake planning, implementation and review responsibilities on behalf of the commission. Further, the commission may request the services and assistance of any of the officials, boards and, through the mayor, employees of the city at all reasonable times when the commission determines that it requires the assistance and advise of such officials, boards and employees in the performance of its duties.

(Ord. No. 28-1991, 7-7-91)

Sec. 2-495. Annual report.

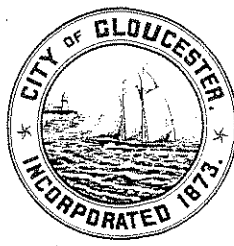
The downtown development commission shall submit an annual report of its activities to the city council.

(Ord. No. 28-1991, 7-7-91)

DIVISION 8. HUMAN RIGHTS COMMISSION**Sec. 2-496. Policy.**

It is hereby declared to be the public policy of the city, including its employees, agents and officials, to protect and promote the constitutional, civil and human rights of all people within the city. Further, the city asserts that:

City Hall
Nine Dale Avenue
Gloucester, MA 01930



TEL 978-281-9700
FAX 978-281-9738
ckirk@ci.gloucester.ma.us

CITY OF GLOUCESTER
OFFICE OF THE MAYOR

February 5, 2009

Ms. Dorothy Martins
23 Concord Street
Gloucester, MA 01930

Dear Ms. Martins:

I am pleased to reappoint you to a five year term on the Gloucester Housing Authority. Your appointment will be sent to the City Council for their meeting of February 10, 2009 and will be referred to the Ordinance and Administration subcommittee. You will receive a notice from the Clerk of committees as to the date on which your appointment will be discussed by the committee.

I have issued you a 90-day temporary appointment, effective February 15, 2009. Please report to the City Clerk's office to pick up your appointment card (copy attached) and be sworn in at your earliest convenience.

On behalf of the City of Gloucester, I greatly appreciate your dedication to public service and look forward to working with you in the coming years to help make Gloucester a better place for all of us to live.

Should you have any questions or if you require any further information, please do not hesitate to contact my office.

Thank you again.

Sincerely,

Carolyn A. Kirk
Mayor

Enclosure
CAK/c

The City of Gloucester, Massachusetts

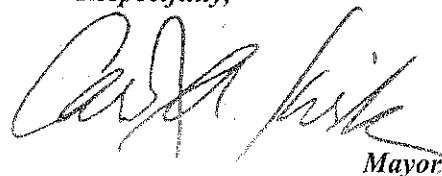
Dear Dorothy Martins, 23 Concord Street, Gloucester, MA 01930

*It is my pleasure to inform you that I have this day appointed you
to the Gloucester Housing Authority
of the City of Gloucester, Massachusetts.*

Effective February 15, 2009.

This is a 90-day temporary appointment.
After City Council approval, term to expire 2/14/2014.

Respectfully,



Mayor

*N.B. You are required to be sworn in at the office of the City Clerk before acting
under the appointment.*

SWORN IN _____ BY _____

January 23, 2009

The Honorable Carolyn Kirk
Mayor, City of Gloucester
9 Dale Avenue
Gloucester, MA 01930

RECEIVED

JAN 26 2009

Mayor's Office

Dear Mayor Kirk,

I respectfully request to be reappointed to the Gloucester Housing Authority Board of Commissioners. My mission along with the Gloucester Housing Authority is to provide adequate affordable housing, economic opportunity and a safe environment free from discrimination.

I have collaborated with our residents in setting policies; voted for comprehensive improvements and renovations of our public housing. I have searched out new locations for furthering housing; and suggested the property for our present Gloucester Housing Authority offices.

I have been most fortunate in having the opportunity to work with the GHA members who are a dedicated group committed to help people get a start to a more productive, independent life.

I have had the opportunity to work cooperatively with many of our local committees and commissions.

As a member of our newly formed Taylor Street Development Committee, it is to be hoped that I will be given the opportunity to see the addition of more affordable housing on our Taylor Street property. I maintain a vision for an Assisted Living Facility on our Main Street site and more affordable housing for our Gloucester families. I look forward to continue making progress for Gloucester residents as a member of the GHA.

Sincerely,



Dorothy Martins
23 Concord Street
Gloucester, MA 01930

The General Laws of Massachusetts

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HOUSING AUTHORITY

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[Chapter Table of Contents](#)
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[Mass.gov](#)

PART I. ADMINISTRATION OF THE GOVERNMENT

TITLE XVII. PUBLIC WELFARE

CHAPTER 121B. HOUSING AND URBAN RENEWAL

OPERATING AGENCIES

Chapter 121B: Section 5. Membership; appointment; election; term of office

Section 5. Every housing and redevelopment authority shall be managed, controlled and governed by five members, appointed or elected as provided in this section, of whom three shall constitute a quorum.

In a city, four members of a housing or redevelopment authority shall be appointed by the mayor subject to confirmation by the city council; provided, that, the members shall be appointed to serve for initial terms of one, two, four and five years, respectively.

In a town, four members shall be elected by the town; provided, that of the members originally elected at an annual town meeting, the one receiving the highest number of votes shall serve for five years, the one receiving the next highest number of votes, for four years, the one receiving the next highest number of votes, for two years, and the one receiving the next highest number of votes shall serve for one year; provided, that upon the initial organization of a housing or redevelopment authority, if a town so votes at an annual or special town meeting called for the purpose, four members of such an authority shall be appointed forthwith by the selectmen to serve only until the qualification of their successors, who shall be elected at the next annual town meeting as provided above.

In a city or town, one member of a housing or redevelopment authority shall be appointed by the department for an initial term of three years.

Thereafter, as the term of a member of any housing or redevelopment authority expires, his successor shall be appointed or elected, in the same manner and by the same body, for a term of five years from such expiration. Membership in a housing or redevelopment authority shall be restricted to residents of the city or town.

In a city, one of the four members of a housing authority appointed by the mayor shall be a resident of that city and shall be a representative of organized labor who shall be appointed by the mayor from a list of not less than two nor more than five names, representing different unions submitted by the Central Labor Council, AFL-CIO and the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America of the city or of the district within which the city is included. If no such list of names is submitted within sixty days after a vacancy occurs, the mayor may appoint any representative of organized labor of his own choosing to the authority. In a city, one of the four members of a housing authority appointed by the mayor shall be a tenant in a building owned and operated by or on behalf of the local housing authority who shall be appointed by the mayor from lists of names submitted by each duly recognized city-wide and project-wide tenants' organization in the city. A tenants' organization may submit a list which contains not less than two nor more than five names to the mayor who shall

make his selection from among the names so submitted; provided that, where no public housing units are owned and operated by the local housing authority and no such units are owned and operated on behalf of the local housing authority, the mayor shall appoint any tenant of the housing authority from lists submitted in accordance with this section. If no list of names is submitted within sixty days after a vacancy occurs, the mayor shall appoint any tenant of his choosing to the authority. The mayor shall notify in writing tenant organizations as specified herein not less than ninety days prior to the expiration of the term of a tenant member. Whenever a vacancy occurs in the term of a tenant member for any reason other than the expiration of a term, the mayor shall notify in writing the tenant organizations specified herein within ten working days after the vacancy occurs. The mayor shall make an appointment within a reasonable time after the expiration of sixty days after said notice.

Vacancies, other than by reason of expiration of terms, shall be filled for the balance of the unexpired term, in the same manner and by the same body, except elected members in towns whose terms shall be filled in accordance with the provisions of section eleven of chapter forty-one. Every member, unless sooner removed, shall serve until the qualification of his successor.

As soon as possible after the qualification of the members of a housing or redevelopment authority the city or town clerk, as the case may be, shall file a certificate of such appointment, or of such appointment and election, as the case may be, with the department, and a duplicate thereof, in either case, in the office of the state secretary. If the state secretary finds that the housing or redevelopment authority has been organized and the members thereof elected or appointed according to law, he shall issue to it a certificate of organization and such certificate shall be conclusive evidence of the lawful organization of the authority and of the election or appointment of the members thereof.

Whenever the membership of an authority is changed by appointment, election, resignation or removal, a certificate and duplicate certificate to that effect shall be promptly so filed. A certificate so filed shall be conclusive evidence of the change in membership of the authority referred to therein.

City Hall
Nine Dale Avenue
Gloucester, MA 01930



TEL 978-281-9700
FAX 978-281-9738
ckirk@ci.gloucester.ma.us

CITY OF GLOUCESTER
OFFICE OF THE MAYOR

February 5, 2009

Ms. JoeAnn Hart
27 Fort Hill Avenue
Gloucester, MA 01930

Dear JoeAnn:

I am pleased to reappoint you to a two year term on the Gloucester Cultural Council. Your appointment will be sent to the City Council for their meeting of February 10, 2009 and will be referred to the Ordinance and Administration subcommittee. You will receive a notice from the Clerk of committees as to the date on which your appointment will be discussed by the committee.

I have issued you a 90-day temporary appointment, effective February 15, 2009. Please report to the City Clerk's office to pick up your appointment card (copy attached) and be sworn in at your earliest convenience.

On behalf of the City of Gloucester, I greatly appreciate your dedication to public service and look forward to working with you in the coming years to help make Gloucester a better place for all of us to live.

Should you have any questions or if you require any further information, please do not hesitate to contact my office.

Thank you again.

Sincerely,

Carolyn A. Kirk
Mayor

Enclosure
CAK/c

The City of Gloucester, Massachusetts

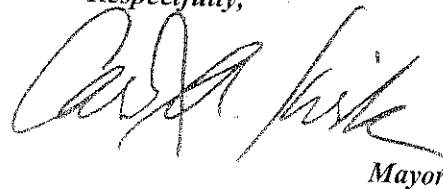
Dear JoeAnn Hart, 27 Fort Hill Avenue, Gloucester, MA 01930

*It is my pleasure to inform you that I have this day appointed you
to the Cultural Council
of the City of Gloucester, Massachusetts.*

Effective February 15, 2009.

This is a 90-day temporary appointment.
After City Council approval, term to expire 2/14/2011.

Respectfully,

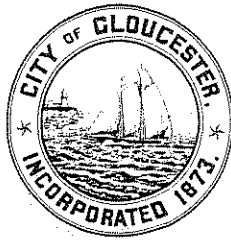


Mayor

*N.B. You are required to be sworn in at the office of the City Clerk before acting
under the appointment.*

SWORN IN _____ BY _____

City Hall
Nine Dale Avenue
Gloucester, MA 01930



TEL 978-281-9700
FAX 978-281-9738
ckirk@ci.gloucester.ma.us

CITY OF GLOUCESTER
OFFICE OF THE MAYOR

February 5, 2009

Ms. Sara Stotzer
16 Marble Road
Gloucester, MA 01930

Dear Sara:

I am pleased to reappoint you to a two year term on the Gloucester Cultural Council. Your appointment will be sent to the City Council for their meeting of February 10, 2009 and will be referred to the Ordinance and Administration subcommittee. You will receive a notice from the Clerk of committees as to the date on which your appointment will be discussed by the committee.

I have issued you a 90-day temporary appointment, effective February 15, 2009. Please report to the City Clerk's office to pick up your appointment card (copy attached) and be sworn in at your earliest convenience.

On behalf of the City of Gloucester, I greatly appreciate your dedication to public service and look forward to working with you in the coming years to help make Gloucester a better place for all of us to live.

Should you have any questions or if you require any further information, please do not hesitate to contact my office.

Thank you again.

Sincerely,

Carolyn A. Kirk
Mayor

Enclosure
CAK/c

The City of Gloucester, Massachusetts

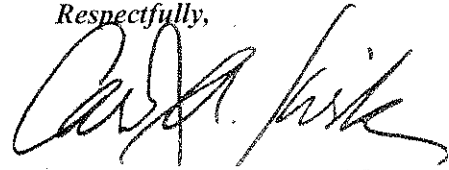
Dear Sara Stotzer, 16 Marble Road, Gloucester, MA 01930

*It is my pleasure to inform you that I have this day appointed you
to the Cultural Council
of the City of Gloucester, Massachusetts.*

Effective February 15, 2009.

This is a 90-day temporary appointment.
After City Council approval, term to expire 2/14/2011.

Respectfully,



Mayor

*N.B. You are required to be sworn in at the office of the City Clerk before acting
under the appointment.*

SWORN IN _____ BY _____

City Hall
Nine Dale Avenue
Gloucester, MA 01930



TEL 978-281-9700
FAX 978-281-9738
ckirk@ci.gloucester.ma.us

CITY OF GLOUCESTER
OFFICE OF THE MAYOR

February 5, 2009

Ms. Saira Austin
731 Washington Street
Gloucester, MA 01930

Dear Saira:

I am pleased to reappoint you to a two year term on the Gloucester Cultural Council. Your appointment will be sent to the City Council for their meeting of February 10, 2009 and will be referred to the Ordinance and Administration subcommittee. You will receive a notice from the Clerk of committees as to the date on which your appointment will be discussed by the committee.

I have issued you a 90-day temporary appointment, effective February 15, 2009. Please report to the City Clerk's office to pick up your appointment card (copy attached) and be sworn in at your earliest convenience.

On behalf of the City of Gloucester, I greatly appreciate your dedication to public service and look forward to working with you in the coming years to help make Gloucester a better place for all of us to live.

Should you have any questions or if you require any further information, please do not hesitate to contact my office.

Thank you again.

Sincerely,

Carolyn A. Kirk
Mayor

Enclosure
CAK/c

The City of Gloucester, Massachusetts

Dear Saira Austin, 731 Washington Street, Gloucester, MA 01930

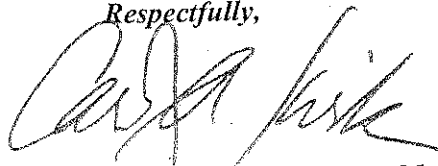
*It is my pleasure to inform you that I have this day appointed you
to the Cultural Council
of the City of Gloucester, Massachusetts.*

Effective February 15, 2009.

This is a 90-day temporary appointment.

After City Council approval, term to expire 2/14/2011.

Respectfully,



Mayor

N.B. *You are required to be sworn in at the office of the City Clerk before acting
under the appointment.*

SWORN IN _____ BY _____

The General Laws of Massachusetts

[Search the Laws](#)**CULTURAL COUNCIL****PART I. ADMINISTRATION OF THE GOVERNMENT****TITLE II. EXECUTIVE AND ADMINISTRATIVE OFFICERS OF THE
COMMONWEALTH**

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CHAPTER 10. DEPARTMENT OF THE STATE TREASURER**EMERGENCY FINANCE BOARD****Chapter 10: Section 58. Local and regional cultural councils**

Section 58. Any city or town may establish a local cultural council and any consortium of cities and towns, with the approval of the council, may establish a regional cultural council. Local cultural councils shall consist of at least five and not more than twenty-two members to be appointed by the mayor of a city, the city manager in a city having a Plan D or E form of government, the board of selectmen of a town or the executive officer in a town having a town council form of government.

Regional cultural councils shall consist of an equal number of members to be appointed from each city or town within the consortium in the manner herein described. The regional cultural council may adopt, at its option, a proportional membership consistent with the population of each municipality; provided, however, that each municipality shall have at least one member; and provided, further, that the adoption of such option shall be by a two-thirds vote of the regional cultural council. Notwithstanding any provisions to the contrary, if the council deems it necessary or desirable in order to carry out the purposes of this section and sections fifty-six and fifty-seven, the council may certify for payment in accordance with the provisions of section fifty-six those applications for funds received from any local or regional cultural councils whose composition is determined by the council as not complying with the provisions of this section, provided that upon notice of such noncompliance, such local or regional cultural council, or its appointing authority, as the case may be, either cures such noncompliance or provides certification satisfactory to the council of how and by when such compliance will be achieved.

Members of the local and regional cultural council shall be appointed for staggered terms of three years and any such member shall not be appointed to more than two consecutive terms. Members shall have demonstrated scholarship or creativity in, or distinguished service to, the arts, humanities, or interpretive sciences.

Upon a vacancy, for any reason, the member's successor, if any, shall be appointed for a term of three years, and shall serve until the qualification of such member's successor. Members shall not be elected public officials. Members shall be considered to be special municipal employees for the purposes of chapter two hundred and sixty-eight A. For purposes of chapter two hundred and sixty-eight A, any local or regional cultural council member who is authorized thereby to make disclosure to such member's city or town clerk or appointing authority, or to request a determination from such member's appointing authority, or to seek approval from the local legislative body may in lieu thereof, disclose to, or seek such approval from the council, and the council is authorized to receive such disclosure and approve such exemptions. Local and regional cultural council members shall be classified as officers for purposes of section thirteen of chapter two hundred and fifty-eight. Members shall serve without

compensation but shall be reimbursed for their expenses actually and necessarily incurred in the discharge of their duties. Local and regional cultural councils shall annually elect a chairman, secretary and treasurer.

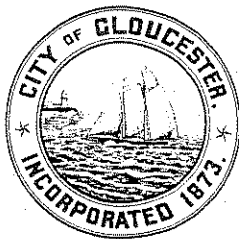
Local and regional cultural councils may establish administrative units, but no such cultural council shall utilize more than five percent of the monies received from the State Arts Lottery Fund for administrative purposes, including member expenses.

Subject to rules, regulations, rulings or guidelines of the council, such local or regional cultural councils may decide the distribution of arts lottery funds or other funds that may be allocable to them, may also conduct other activities to promote and encourage the arts, may enter into contracts, subject to approval of town counsel or city solicitor as to form, and may do and perform any and all acts which may be necessary or desirable to carry out such powers and the purposes of sections fifty-six to fifty-eight, inclusive. Nothing in the provisions of section twenty-seven of chapter ten shall prevent a local or regional cultural council or an arts organization, or their agents or employees, from encouraging the sale of lottery tickets for the arts nor from being licensed as agents to sell lottery tickets for the arts.

Notwithstanding the provisions of section fifty-three A of chapter forty-four, local and regional cultural councils may accept grants, contributions, gifts, bequests, devises, and other donations from all sources, including governmental bodies and shall deposit such monies and any other revenues, including revenues derived from local or regional cultural councils activities, in the revolving fund established under the provisions of this section. Funds received from sources other than the arts lottery fund may be disbursed at the discretion of the local or regional cultural council for the same purposes as arts lottery funds, including administrative expenses, provided, however, that the council may by rule, regulation, ruling or guideline establish further clarification of such purposes as well as procedures to assure that such funds are so used.

Notwithstanding the provisions of section fifty-three of chapter forty-four, any city, town or consortium of cities and towns otherwise pursuant to the provisions of section four A of chapter forty, shall establish in the city or town treasury, or in one of the cities or towns in the consortium a revolving account which shall be kept separate and apart from all other monies by the treasurer and in which shall be deposited all receipts from the state arts lottery fund, distributed under the provisions of section fifty-six, and any other receipts or donations to the local or regional cultural council authorized by law. A treasurer of a city, town or regional consortium as custodian may invest such portion of cash as deemed not required until such funds are to be expended and in such investments as are authorized under the provisions of section fifty-five of chapter forty-four. All such funds, including interest earned thereon, may be expended at the direction of the local or regional cultural council, without further appropriation, and such council may establish a subcommittee of no less than two members and may delegate thereto its authority to approve all payrolls, bills, requests for payment, or accounts prior to submission to the accountant, auditor or official performing similar functions; provided, however, that such subcommittee shall make available to such council at its next meeting, a record of such actions of such subcommittee; and provided further, however, that such funds as shall not have been expended twelve months after receipt shall be segregated and subject to further appropriation by the mayor, city council, city manager, board of selectmen or town manager for the purposes provided in sections fifty-six to fifty-eight inclusive. The city auditor, town accountant, or officer having similar duties, shall submit annually a report of said, revolving fund to the mayor, city council, city manager, board of selectmen, or town manager for their review and a copy of said report shall be submitted to the director of the bureau of accounts and the council.

City Hall
Nine Dale Avenue
Gloucester, MA 01930



TEL 978-281-9700
FAX 978-281-9738
ckirk@ci.gloucester.ma.us

CITY OF GLOUCESTER
OFFICE OF THE MAYOR

February 5, 2009

Mr. Ralph Pino
56 Ye Olde County Road
Gloucester, MA 01930

Dear Ralph:

I am pleased to reappoint you to a three year term on the Historic District Commission. Your appointment will be sent to the City Council for their meeting of February 10, 2009 and will be referred to the Ordinance and Administration subcommittee. You will receive a notice from the Clerk of committees as to the date on which your appointment will be discussed by the committee.

I have issued you a 90-day temporary appointment, effective February 15, 2009. Please report to the City Clerk's office to pick up your appointment card (copy attached) and be sworn in at your earliest convenience.

On behalf of the City of Gloucester, I greatly appreciate your dedication to public service and look forward to working with you in the coming years to help make Gloucester a better place for all of us to live.

Should you have any questions or if you require any further information, please do not hesitate to contact my office.

Thank you again.

Sincerely,

Carolyn A. Kirk
Mayor

Enclosure
CAK/c

The City of Gloucester, Massachusetts

Dear Ralph Pino, 56 Ye Olde County Road, Gloucester, MA 01930

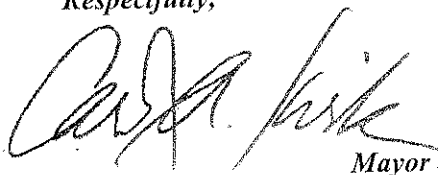
*It is my pleasure to inform you that I have this day appointed you
to the Historic District Commission
of the City of Gloucester, Massachusetts.*

Effective February 15, 2009.

This is a 90-day temporary appointment.

After City Council approval, term to expire 2/14/2012.

Respectfully,



Mayor

N.B. *You are required to be sworn in at the office of the City Clerk before acting
under the appointment.*

SWORN IN _____ BY _____

**HISTORIC DISTRICT
COMMISSION**

(Code 1970, § 2-331)

State law reference(s)--Similar provisions, M.G.L.A. c. 40, § 8C.**Sec. 16-34. Rules and regulations, penalty for violations thereof.**

The conservation commission may adopt rules and regulations governing the use of land and waters under its control, and prescribe penalties, not exceeding a fine of one hundred dollars (\$100.00), for any violation thereof.

(Code 1970, § 2-332)

State law reference(s)--Similar provisions, M.G.L.A. c. 40, § 8C.

Secs. 16-35--16-44. Reserved.

ARTICLE IV. RESERVED*

***Editor's note**--An ordinance of May 27, 1986, § I, repealed Art. IV, §§ 16-45--16-48, pertaining to the downtown development commission, as derived from Code 1970, §§ 2-414--2-417.

Secs. 16-45--16-59. Reserved.

ARTICLE V. HISTORIC DISTRICT****State law reference(s)**--Historic districts, M.G.L.A. c. 40C.**Sec. 16-60. Purpose.**

The purpose of this article is to promote the educational, cultural, economic and general welfare of the public through the preservation and protection of the distinctive characteristics of buildings and places significant in the history or architecture of the city, and through the maintenance and improvement of settings for such buildings and places and the encouragement of designs compatible therewith.

(Ord. of 5-24-77, § 2)

State law reference(s)--Similar provisions, M.G.L.A. c. 40C, § 2.**Sec. 16-61. Created.**

There is hereby established under the provisions of M.G.L.A. a historic district to be known as the Gloucester Historic District, which district shall include the area as shown on the plan on file in the city clerk's office.

(Ord. of 5-24-77, § 3)

State law reference(s)--Municipal authority to establish historic districts, M.G.L.A. c. 40C, § 3.**Sec. 16-62. Historic district commission--Established; membership; term of office; office.**

(a) There is hereby established, under M.G.L.A. c. 40C, a historic district commission with

all the powers and duties of a historic district commission specified in M.G.L.A. c. 40C.

(b) The historic district commission shall consist of seven (7) regular members and two (2) alternate members, appointed by the mayor, subject to confirmation by the city council who shall serve staggered terms of three (3) years. The commission shall include one (1) regular member appointed from two (2) nominees submitted by the Cape Ann Historical Association, one (1) regular member appointed from two (2) nominees submitted by the Boston chapter of the American Institute of Architects and one (1) regular member appointed from two (2) nominees submitted by the Cape Ann Board of Realtors. Two (2) regular members of the commission shall be owners of property within a historic district in the city. All members of the commission, with the exception of that member nominated by the Boston chapter of the American Institute of Architects, shall be residents of the city. Vacancies shall be filled by appointment for the unexpired term. In case of the absence, inability to act or unwillingness to act because of self-interest on the part of a member of the commission, his place shall be taken by an alternate member designated by the chairman. Each member and alternate shall continue in office after the expiration of his term until his successor is duly appointed and qualified. All members shall serve without compensation.

(c) The historic district commission shall elect annually a chairman and vice-chairman from its own number and a secretary from within or without its number.

(Ord. of 5-24-77, § 4)

Cross reference(s)--Boards, commissions, councils and committees, § 2-400 et seq.

State law reference(s)--Municipal authority to establish historic district commission, M.G.L.A. c. 40C, § 4.

Sec. 16-63. Same--Duties.

(a) In passing upon matters before it, the historic district commission shall consider, among other things, the historic and architectural value and significance of the site, building or structure, the general design, arrangement, texture, material and color of the features involved, and the relation of such features to similar features of buildings and structures in the surrounding area. In the case of new construction or additions to existing buildings or structures, the commission shall consider the appropriateness of the size and shape of the building or structure both in relation to the land area upon which the building or structure is situated and to buildings and structures in the vicinity, and the commission may in appropriate cases impose dimensional and set-back requirements in addition to those required by applicable Code section, ordinance or by-law. The commission shall not consider interior arrangements or architectural features not subject to public view.

(b) The historic district commission shall not make any recommendation or requirement except for the purpose of preventing developments incongruous to the historic aspects or the architectural characteristics of the surroundings and of the historic district.

(Ord. of 5-24-77, § 5)

State law reference(s)--Similar provisions, M.G.L.A. c. 40C, § 7.

Sec. 16-64. Same--Limitations on authority.

(a) Notwithstanding any contrary provision of this article, the authority of the historic district commission shall not extend to control of the following categories of buildings, structures, or exterior architectural features:

(1) Terraces, walks, driveways, sidewalks, and other similar structures, provided the structure is at grade level;

(2) Storm doors and windows, screen doors and windows, window air conditioners, lighting fixtures, antennas, and similar appurtenances;

(3) The color of paint;

(4) Temporary signs and structures, provided, however, that the commission shall have authority to define "temporary signs" and "temporary structures;"

(5) The repair or reconstruction of a building, structure, or exterior architectural feature damaged or destroyed by fire, storm, or other disaster, provided that: the exterior design is found by the commission to be substantially similar to the original and the repair or reconstruction is begun within one (1) year after the damage occurred and is carried on with due diligence.

(b) The authority of the historic district commission shall, however, extend to parking areas used by three (3) or more vehicles, provided any such area is visible from any public or private way within the district.

(Ord. of 5-24-77, § 7; Ord. of 1-22-80, § I; Ord. of 2-21-84, § I)

State law reference(s)--Similar provisions, M.G.L.A. c. 40C, § 8.

Sec. 16-65. Appeals from determinations of historic district commission.

Any applicant aggrieved by a determination of the historic district commission may, within twenty (20) days after the filing of the notice of the determination contested with the city clerk, file a written request with the commission for a review by a person of competence and experience in such matters, designated by the Metropolitan Area Planning Council. The finding of the person or persons making such review shall be filed with the city clerk within forty-five (45) days after the filing of the request and shall be binding on the applicant and on the commission, unless an appeal is sought in court as provided in M.G.L.A. c. 40C, § 12A.

(Ord. of 5-24-77, § 6)

State law reference(s)--Similar provisions, M.G.L.A. c. 40, § 12.

Chapter 17 POLICE*

***Cross reference(s)**--Offenses generally, § 14-1 et seq.; alarm systems, § 14-26 et seq.; Ch. 14; traffic and motor vehicles, Ch. 22.

State law reference(s)--Police generally, M.G.L.A. c. 147.

ARTICLE I. IN GENERAL

Sec. 17-1. Administration of waterways.

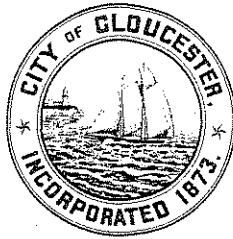
(a) *Police department.* [The following duties shall be the responsibility of the police department in the administration of waterways:]

(1) Enforce all Massachusetts Commonwealth laws while patrolling the city waterways.

(2) Operate, maintain and manage equipment and vessels assigned (Police boat/fire boat).

(3) Investigate, prosecute criminal activity on waterways and waterfront in

City Hall
Nine Dale Avenue
Gloucester, MA 01930



TEL 978-281-9700
FAX 978-281-9738
ckirk@ci.gloucester.ma.us

CITY OF GLOUCESTER
OFFICE OF THE MAYOR

February 5, 2009

Mr. Robert Wolfe
P.O. Box 1600
Gloucester, MA 01930

Dear Mr. Wolfe:

I am pleased to reappoint you to a three year term on the Historical Commission. Your appointment will be sent to the City Council for their meeting of February 10, 2009 and will be referred to the Ordinance and Administration subcommittee. You will receive a notice from the Clerk of committees as to the date on which your appointment will be discussed by the committee.

I have issued you a 90-day temporary appointment, effective February 15, 2009. Please report to the City Clerk's office to pick up your appointment card (copy attached) and be sworn in at your earliest convenience.

On behalf of the City of Gloucester, I greatly appreciate your dedication to public service and look forward to working with you in the coming years to help make Gloucester a better place for all of us to live.

Should you have any questions or if you require any further information, please do not hesitate to contact my office.

Thank you again.

Sincerely,

Carolyn A. Kirk
Mayor

Enclosure
CAK/c

The City of Gloucester, Massachusetts

Dear Robert Wolfe, P.O. Box 1600, Gloucester, MA 01930

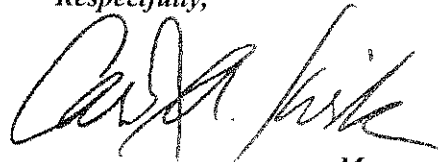
*It is my pleasure to inform you that I have this day appointed you
to the Historical Commission
of the City of Gloucester, Massachusetts.*

Effective February 15, 2009.

This is a 90-day temporary appointment.

After City Council approval, term to expire 2/14/2012.

Respectfully,



Mayor

*N.B. You are required to be sworn in at the office of the City Clerk before acting
under the appointment.*

SWORN IN _____ BY _____

City Hall
Nine Dale Avenue
Gloucester, MA 01930



TEL 978-281-9700
FAX 978-281-9738
ckirk@ci.gloucester.ma.us

CITY OF GLOUCESTER
OFFICE OF THE MAYOR

February 5, 2009

Mr. Thomas O'Keefe
31 Leonard Street
Gloucester, MA 01930

Dear Mr. O'Keefe:

I am pleased to reappoint you to a three year term on the Historical Commission. Your appointment will be sent to the City Council for their meeting of February 10, 2009 and will be referred to the Ordinance and Administration subcommittee. You will receive a notice from the Clerk of committees as to the date on which your appointment will be discussed by the committee.

I have issued you a 90-day temporary appointment, effective February 15, 2009. Please report to the City Clerk's office to pick up your appointment card (copy attached) and be sworn in at your earliest convenience.

On behalf of the City of Gloucester, I greatly appreciate your dedication to public service and look forward to working with you in the coming years to help make Gloucester a better place for all of us to live.

Should you have any questions or if you require any further information, please do not hesitate to contact my office.

Thank you again.

Sincerely,

Carolyn A. Kirk
Mayor

Enclosure
CAK/c

The City of Gloucester, Massachusetts

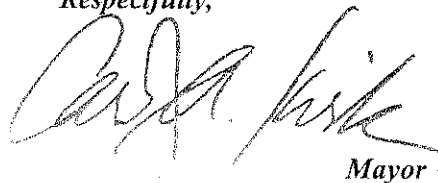
Dear Thomas O'Keefe, 31 Leonard Street, Gloucester, MA 01930

*It is my pleasure to inform you that I have this day appointed you
to the Historical Commission
of the City of Gloucester, Massachusetts.*

Effective February 15, 2009.

This is a 90-day temporary appointment.
After City Council approval, term to expire 2/14/2012.

Respectfully,



Mayor

N.B. *You are required to be sworn in at the office of the City Clerk before acting
under the appointment.*

SWORN IN _____ BY _____

The General Laws of Massachusetts

[Search the Laws](#)

HISTORICAL COMMISSION

PART I: ADMINISTRATION OF THE GOVERNMENT

TITLE VII. CITIES, TOWNS AND DISTRICTS

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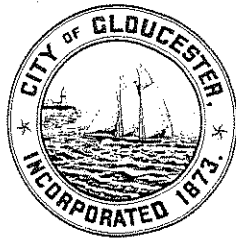
CHAPTER 40. POWERS AND DUTIES OF CITIES AND TOWNS

PURPOSES FOR WHICH TOWNS MAY APPROPRIATE MONEY

Chapter 40: Section 8D. Historical commission; establishment; powers and duties

Section 8D. A city or town which accepts this section may establish an historical commission, hereinafter called the commission, for the preservation, protection and development of the historical or archeological assets of such city or town. Such commission shall conduct researches for places of historic or archeological value, shall cooperate with the state archeologist in conducting such researches or other surveys, and shall seek to coordinate the activities of unofficial bodies organized for similar purposes, and may advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which it deems necessary for its work. For the purpose of protecting and preserving such places, it may make such recommendations as it deems necessary to the city council or the selectmen and, subject to the approval of the city council or the selectmen, to the Massachusetts historical commission, that any such place be certified as an historical or archeological landmark. It shall report to the state archeologist the existence of any archeological, paleontological or historical site or object discovered in accordance with section twenty-seven C of chapter nine, and shall apply for permits necessary pursuant to said section twenty-seven C. Any information received by a local historical commission with respect to the location of sites and specimens, as defined in section twenty-six B of chapter nine, shall not be a public record. The commission may hold hearings, may enter into contracts with individuals, organizations and institutions for services furthering the objectives of the commission's program; may enter into contracts with local or regional associations for cooperative endeavors furthering the commission's program; may accept gifts, contributions and bequests of funds from individuals, foundations and from federal, state or other governmental bodies for the purpose of furthering the commission's program; may make and sign any agreements and may do and perform any and all acts which may be necessary or desirable to carry out the purposes of this section. It shall keep accurate records of its meetings and actions and shall file an annual report which shall be printed in the case of towns in the annual town report. The commission may appoint such clerks and other employees as it may from time to time require. The commission shall consist of not less than three nor more than seven members. In cities the members shall be appointed by the mayor, subject to the provisions of the city charter, except that in cities having a city manager form of government, said appointments shall be by the city manager, subject to the provisions of the charter; and in towns they shall be appointed by the selectmen, excepting towns having a town manager form of government, in which towns appointments shall be made by the town manager, subject to the approval of the selectmen. When a commission is first established, the terms of the members shall be for one, two or three years, and so arranged that the terms of approximately one third of the members will expire each year, and their successors shall be appointed for terms of three years each. Any member of a commission so appointed may, after a public hearing if requested, be removed for cause by the appointing authority. A vacancy occurring otherwise than by expiration of a term shall in a city or town be filled for the unexpired term in the same manner as an original appointment. Said commission may acquire in the name of the city or town by gift, purchase, grant, bequest, devise, lease or otherwise the fee or lesser interest in real or personal property of significant historical value and may manage the same.

City Hall
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Gloucester, MA 01930



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FAX 978-281-9738
ckirk@ci.gloucester.ma.us

CITY OF GLOUCESTER
OFFICE OF THE MAYOR

February 5, 2009

Mr. George Nichols
26 Linden Road
Gloucester, MA 01930

Dear George:

I am pleased to reappoint you to a four term on the Mariners' Medal Committee. Your appointment will be sent to the City Council for their meeting of February 10, 2009 and will be referred to the Ordinance and Administration subcommittee. You will receive a notice from the Clerk of committees as to the date on which your appointment will be discussed by the committee.

I have issued you a 90-day temporary appointment, effective February 15, 2009. Please report to the City Clerk's office to pick up your appointment card (copy attached) and be sworn in at your earliest convenience.

On behalf of the City of Gloucester, I greatly appreciate your dedication to public service and look forward to working with you in the coming years to help make Gloucester a better place for all of us to live.

Should you have any questions or if you require any further information, please do not hesitate to contact my office.

Thank you again.

Sincerely,

Carolyn A. Kirk
Mayor

Enclosure
CAK/c

The City of Gloucester, Massachusetts

Dear George Nichols, 26 Linden Road, Gloucester, MA 01930

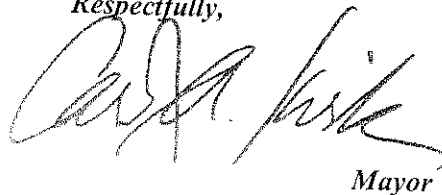
*It is my pleasure to inform you that I have this day appointed you
to the Mariners' Medal Committee
of the City of Gloucester, Massachusetts.*

Effective February 15, 2009.

This is a 90-day temporary appointment.

After City Council approval, term to expire 2/14/2013.

Respectfully,



Mayor

N.B. You are required to be sworn in at the office of the City Clerk before acting
under the appointment.

SWORN IN _____ BY _____

MARINERS MEDAL COMMITTEE

~~State law reference(s)--Municipal authority to establish council for the aging, M.G.L.A. c. 40, § 8B.~~

Sec. 2-441. Members not compensated.

~~The members of the council for the aging shall serve without compensation.~~

~~(Code 1970, § 2-344)~~

Sec. 2-442. Designation of chairman.

~~The chairman of the council for the aging shall be elected for a two-year term by vote of the membership.~~

~~(Code 1970, § 2-345; Ord. No. 25-1996, § J, 4-18-95)~~

Sec. 2-443. Supervision.

~~The council for the aging shall be under the administrative supervision of the mayor.~~

~~(Code 1970, § 2-346)~~

Sec. 2-444. Duties.

~~It shall be the duty of the council for the aging to carry out programs designed to meet problems of the aging in coordination with programs of the council for the aging established under M.G.L.A. c. 6, § 73.~~

~~(Code 1970, § 2-347)~~

Secs. 2-445--2-449. Reserved.

DIVISION 5. MARINERS MEDAL COMMITTEE

Sec. 2-450. Created.

There is hereby created and established a committee to be known as the mariners medal committee.

(Code 1970, § 2-385)

Sec. 2-451. Composition; appointment and terms of members.

The mariners medal committee shall consist of five (5) members, one to be the mayor and the other four (4) to be residents of the city appointed by the mayor to serve staggered terms of four (4) years. The mayor in office shall continue his membership on the committee for the term for which he is elected.

(Code 1970, § 2-386)

Sec. 2-452. Qualifications of members; city officers not eligible.

(a) At least three (3) of the appointed members of the mariners medal committee shall have had experience on the high seas as master of some commercial vessel.

(b) None of the four (4) appointed members of the mariners medal committee shall hold any elective or appointive office within the government of the city when appointed, and should they

later hold such an office, their membership on the committee shall be declared vacated.

(Code 1970, § 2-387)

Sec. 2-453. Chairman.

The chairman of the mariners medal committee shall be elected by majority vote of the membership.

(Code 1970, § 2-388; Ord. of 3-4-86, § 1)

Sec. 2-454. Duties.

It shall be the duty of the mariner's medal committee to establish and seek to maintain high standards for the awarding of a mariner's medal to any person or persons performing an act of heroism and extraordinary seamanship on the high seas. Such an act must have taken place within a six (6) month period from date of notification. The committee, after investigation and consideration of all the facts, shall recommend to the city council the awarding of the mariner's medal to such person or persons as the committee deems deserving to receive the award.

(Code 1970, § 2-389; Ord. of 6-15-82, § 1)

DIVISION 6. YOUTH SERVICES COMMISSION

Sec. 2-455. Established; composition; appointment and terms of members.

There is hereby established a youth services commission consisting of seven (7) members, who shall be appointed by the mayor from the residents of the city and confirmed by the city council. Appointees shall serve staggered terms of three (3) years, beginning at the date of appointment.

(Ord. No. 16-1993, § 1, 12-14-93)

State law reference(s)--Municipal authority to establish youth services commission, M.G.L.A. c. 40, § 8E.

Sec. 2-456. Reserved.

Sec. 2-457. Election of chairperson.

The chairperson of the youth services commission shall be elected from the membership annually.

(Ord. No. 16-1993, § 1, 12-14-93)

Sec. 2-458. Supervision.

The youth services commission shall be under the administrative supervision of the mayor.

(Ord. No. 16-1993, § 1, 12-14-93)

Sec. 2-459. Duties.

It shall be the duty of the youth services commission to advocate for youth related activities and programs. The youth services commission will work in conjunction with the city as well as new and existing groups to provide and seek funding to meet the opportunities, challenges and problems of the youth of the city.

City Hall
Nine Dale Avenue
Gloucester, MA 01930



TEL 978-281-9700
FAX 978-281-9738
ckirk@ci.gloucester.ma.us

CITY OF GLOUCESTER
OFFICE OF THE MAYOR

February 5, 2009

Mrs. Janis Bell
257 East Main Street
Gloucester, MA 01930

Dear Jan:

I am pleased to reappoint you to a three year term on the Planting Committee. Your appointment will be sent to the City Council for their meeting of February 10, 2009 and will be referred to the Ordinance and Administration subcommittee. You will receive a notice from the Clerk of committees as to the date on which your appointment will be discussed by the committee.

I have issued you a 90-day temporary appointment, effective February 15, 2009. Please report to the City Clerk's office to pick up your appointment card (copy attached) and be sworn in at your earliest convenience.

On behalf of the City of Gloucester, I greatly appreciate your dedication to public service and look forward to working with you in the coming years to help make Gloucester a better place for all of us to live.

Should you have any questions or if you require any further information, please do not hesitate to contact my office.

Thank you again.

Sincerely,

Carolyn A. Kirk
Mayor

Enclosure
CAK/c

The City of Gloucester, Massachusetts

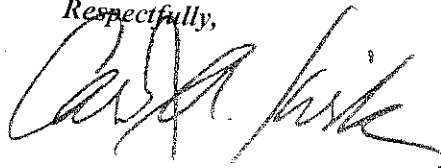
Dear Janis Bell, 257 East Main Street, Gloucester, MA 01930

*It is my pleasure to inform you that I have this day appointed you
to the Planting Committee
of the City of Gloucester, Massachusetts.*

Effective February 15, 2009.

This is a 90-day temporary appointment.
After City Council approval, term to expire 2/14/2012.

Respectfully,



Mayor

N.B. *You are required to be sworn in at the office of the City Clerk before acting
under the appointment.*

SWORN IN _____ BY _____

PLANTING COMMITTEE

Sec. 24-20. Injury by placing or removal of poles.

No person shall place a pole within eight (8) feet of any tree on a public highway in the city, nor shall any person remove a pole where, in so doing, the roots of the tree will be in danger of being injured, without first notifying the tree warden of the removal.

(Code 1970, § 24-16)

Cross reference(s)--Poles and wires, § 23-75 et seq.

Sec. 24-21. Injuring by pouring salt water on highway.

No person shall pour salt water upon any public highway in such a way as to injure any tree planted or growing thereon.

(Code 1970, § 24-17)

Sec. 24-22. Protection when buildings are erected or repaired.

In the erection or repair of any building or structure, the owner thereof shall place such guards on all nearby trees on the public highways as shall effectually prevent injury to them.

(Code 1970, § 24-18)

Cross reference(s)--Buildings and building regulations, Ch. 5.

Sec. 24-23. Injuring or removing protective devices.

No person shall injure, misuse or remove any device placed to protect any tree placed on the public highway.

(Code 1970, § 24-19)

Sec. 24-24. Exemptions from article.

Nothing in this article shall be construed as applying to any highway now or hereafter within the jurisdiction of the state highway commissioners; nor as preventing the removal of any tree or part which endangers persons traveling on the highway or the removal of any tree if so ordered by the city council for the purpose of widening the highway.

(Code 1970, § 24-20)

State law reference(s)--Municipal authority to trim, cut or remove trees, etc., which endangers persons traveling on the highway or for purposes of widening any such highway, M.G.L.A. c. 87, § 5.

Secs. 24-25--24-40. Reserved.

ARTICLE II. CITY PLANTINGS COMMITTEE*

***Editor's note**--In keeping with the general format of the Code Art. II, §§ 24-41--24-44, have been redesignated as herein set out by the editor.

Sec. 24-41. Committee; established.

There is hereby established a Gloucester Plantings Committee, consisting of the director of public works or his designee, the tree warden, and not less than three (3) nor more than seven (7) additional members appointed by the mayor from the voters and residents of the city. Appointees shall serve staggered terms of three (3) years, and appointments shall be subject to Charter sections 3-3 and 2-10.

(Ord. No. 15-1991, 5-28-91)

Sec. 24-42. Chairman.

The Chairman of the Gloucester Plantings Committee shall be designated, from time to time, by the mayor. Members shall serve without compensation.

(Ord. No. 15-1991, 5-28-91)

Sec. 24-43. Duties.

It shall be the duty of the Gloucester Plantings Committee to plan and coordinate plantings on city land, in public parks, and on public land alongside roads and ways within the city; to foster programs for maintaining these; to coordinate with representatives of the state planting arrangements involving state highways and lands; to advise the city on questions of planting; and in general, to encourage and facilitate plantings which benefit the city. The committee has the duty to determine that any land to be planted is not privately controlled land.

(Ord. No. 15-1991, 5-28-91)

Sec. 24-44. Authority of tree warden or director of public works.

Nothing in this chapter shall be construed as reducing or abridging the authority of the tree warden or the director of public works as provided in this chapter and any other applicable provisions in this Code of Ordinances and under Massachusetts General Law Chapter 87.

(Ord. No. 15-1991, 5-28-91)

Chapter 25 VEHICLES FOR HIRE*

***Cross reference(s)**--Traffic and motor vehicles, Ch. 22.

State law reference(s)--Municipal authority to regulate vehicles, M.G.L.A. c. 40, § 22; common carriers generally, M.G.L.A. c. 159; common carriers of passengers by motor vehicles, M.G.L.A. c. 159A.

ARTICLE I. IN GENERAL

Secs. 25-1--25-14. Reserved.

ARTICLE II. TAXICABS AND PRIVATE LIVERY VEHICLES*

***Cross reference(s)**--Use of taxicab stands, § 22-171.

DIVISION 1. GENERALLY

City Hall
Nine Dale Avenue
Gloucester, MA 01930



TEL 978-281-9700
FAX 978-281-9738
ckirk@ci.gloucester.ma.us

CITY OF GLOUCESTER
OFFICE OF THE MAYOR

February 5, 2009

Mr. Robert Ryan
3 Blake Court
Gloucester, MA 01930

Dear Bob:

I am pleased to reappoint you to a three year term on the Traffic Commission. Your appointment will be sent to the City Council for their meeting of February 10, 2009 and will be referred to the Ordinance and Administration subcommittee. You will receive a notice from the Clerk of committees as to the date on which your appointment will be discussed by the committee.

I have issued you a 90-day temporary appointment, effective February 15, 2009. Please report to the City Clerk's office to pick up your appointment card (copy attached) and be sworn in at your earliest convenience.

On behalf of the City of Gloucester, I greatly appreciate your dedication to public service and look forward to working with you in the coming years to help make Gloucester a better place for all of us to live.

Should you have any questions or if you require any further information, please do not hesitate to contact my office.

Thank you again.

Sincerely,

Carolyn A. Kirk
Mayor

Enclosure
CAK/c

The City of Gloucester, Massachusetts

Dear Robert Ryan, 3 Blake Court, Gloucester, MA 01930

*It is my pleasure to inform you that I have this day appointed you
to the Traffic Commission
of the City of Gloucester, Massachusetts.*

Effective February 15, 2009.

This is a 90-day temporary appointment.

After City Council approval, term to expire 2/14/2012.

Respectfully,



Mayor

*N.B. You are required to be sworn in at the office of the City Clerk before acting
under the appointment.*

SWORN IN _____ BY _____

TRAFFIC COMMISSION

required to be accomplished in the interest of public betterment.

(c) Whenever signs are in place giving notice that any street or highway has been closed pursuant to this section, it shall be unlawful for any person to drive any vehicle on any such closed street or highway.

(Code 1970, § 21-4; Ord. No. 4-96, § 1, 2-20-96)

Cross reference(s)--Streets, sidewalks and other public places, Ch. 21.

Sec. 22-23. Experimental regulations.

For purposes of trial, the city vehicle may make temporary rules regulating traffic. No such experimental rule regulating traffic shall remain in effect for a period of time longer than thirty (30) days.

(Code 1970, § 21-5)

Secs. 22-24--22-29. Reserved.

DIVISION 2. TRAFFIC COMMISSION*

***Cross reference(s)**--Boards, commissions, councils and committees, § 2-400 et seq.

Sec. 22-30. Created; purpose.

As a continuation of planning board work and for the purpose of promoting the health, safety, convenience and general welfare of the inhabitants of the city, to lessen congestion and confusion in the streets, to lessen the danger from fire and assist the fighting of it and to facilitate the creation of more adequate provision for transportation and parking, there is hereby created a traffic commission. The commission shall have as its primary purpose the making of studies and presenting of recommendations to the mayor in the matter of regulating traffic and parking in the city.

(Code 1970, § 21-22)

Sec. 22-31. To act in official capacity under control of mayor.

The traffic commission shall act in an official capacity for the city and shall be under the over-all control and authority of the mayor.

(Code 1970, § 21-25)

Sec. 22-32. Composition; appointment; terms of members.

The traffic commission shall consist of five (5) members appointed by the mayor and confirmed by the city council. Appointments to the commission shall be for terms of three (3) years. In case of the resignation, death or disqualification of any member of the commission, or for the purpose of filling a vacancy for any other reason, an appointment for the unexpired term shall immediately be made by the mayor.

(Code 1970, § 21-23)

Sec. 22-33. Organization meeting; officers.

As soon as possible after the membership of the traffic commission is determined in each year, the commission shall meet and elect from its own membership a chairman and secretary-treasurer to

serve for the term of one (1) year. The secretary-treasurer shall give official notice in writing to the mayor that the commission has organized, giving the names of the chairman and secretary-treasurer.

(Code 1970, § 21-24)

Sec. 22-34. Duties.

It shall be the duty and responsibility of the traffic commission to make detailed studies of the motor vehicle and all other forms of traffic within the city, its present and future parking needs and related matters, and to determine, on a community-wide basis, an over-all long-range plan to meet the city's needs. As such needs are determined, recommendations for the improvement of conditions, accompanied by such maps, graphs and charts as may have been prepared, shall be submitted to the mayor.

(Code 1970, § 21-26)

Sec. 22-35. Assistance of city officials, boards and employees.

The traffic commission may request the services and assistance of any of the officials, boards and employees of the city at all reasonable times when the commission determines that it requires the assistance and advice of such officials, boards and employees in the performance of its duties.

(Code 1970, § 21-27)

Sec. 22-36. Annual report.

The traffic commission shall make an annual written report of its activities to the mayor.

(Code 1970, § 21-28)

Secs. 22-37--22-49. Reserved.

ARTICLE III. OPERATION OF VEHICLES*

*State law reference(s)--Driving precautions for safety of other travellers, M.G.L.A. c. 90, § 14.

DIVISION 1. GENERALLY

Sec. 22-50. Care in starting, stopping, turning or backing.

(a) The driver of any vehicle, before starting, stopping, turning from a direct line or backing shall first see that such movement can be made in safety. If the movement cannot be made in safety or if it interferes unduly with the normal movement of other traffic, the driver shall wait for a more favorable opportunity to make the movement.

(b) If the operation of another vehicle should be affected by a stopping or turning movement, the driver of the other vehicle shall be given a plainly visible signal, as required by M.G.L.A., chapter 90, section 14B.

(Code 1970, § 21-54)

Sec. 22-51. Emerging from alley, driveway or garage.

City Hall
Nine Dale Avenue
Gloucester, MA 01930



TEL 978-281-9700
FAX 978-281-9738
ckirk@ci.gloucester.ma.us

CITY OF GLOUCESTER
OFFICE OF THE MAYOR

February 5, 2009

Mr. David Murray
34 Dennison Street
Gloucester, MA 01930

Dear Mr. Murray:

I am pleased to reappoint you to a three year term on the Waterways Board. Your appointment will be sent to the City Council for their meeting of February 10, 2009 and will be referred to the Ordinance and Administration subcommittee. You will receive a notice from the Clerk of committees as to the date on which your appointment will be discussed by the committee.

I have issued you a 90-day temporary appointment, effective February 15, 2009. Please report to the City Clerk's office to pick up your appointment card (copy attached) and be sworn in at your earliest convenience.

On behalf of the City of Gloucester, I greatly appreciate your dedication to public service and look forward to working with you in the coming years to help make Gloucester a better place for all of us to live.

Should you have any questions or if you require any further information, please do not hesitate to contact my office.

Thank you again.

Sincerely,

Carolyn A. Kirk
Mayor

Enclosure
CAK/c

The City of Gloucester, Massachusetts

Dear David Murray, 34 Dennison Street, Gloucester, MA 01930

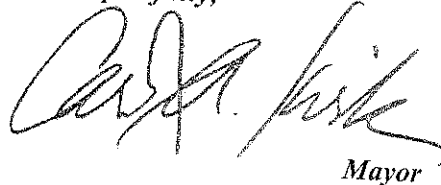
*It is my pleasure to inform you that I have this day appointed you
to the Waterways Board
of the City of Gloucester, Massachusetts.*

Effective February 15, 2009.

This is a 90-day temporary appointment.

After City Council approval, term to expire 2/14/2012.

Respectfully,



Mayor

*N.B. You are required to be sworn in at the office of the City Clerk before acting
under the appointment.*

SWORN IN _____ BY _____

Chapter 10 WATERWAYS ADMINISTRATION*

***Editor's note**--Ord. No. 17-1993, adopted Dec. 14, 1993, amended former Ch. 10, Arts. I--III, relative to the harbor and related waters, in its entirety to read as herein set out. The substantive provisions of former Ch. 10 derived from Code 1970. Sections 4-3, 101/2-17--101/2-25, 101/2-27, 101/2-29, 12-8, 12-18--12-21, 16-14, 16-16; and ordinances of Dec. 6, 1977; Jan. 10, 1978; Nov. 4, 1979; Feb. 3, 1983; Oct. 28, 1986; Aug. 4, 1987; Dec. 22, 1987; July 19, 1988; and April 4, 1989.

Cross reference(s)--Marshlands, Ch. 12; shellfish, seaworms and eels, Ch. 20.

State law reference(s)--Waterways, M.G.L.A. c. 91; provisions relating to Gloucester harbor, M.G.L.A. c. 102, §§ 3, 4; harbors and harbormasters, M.G.L.A. c. 102, § 17 et seq.

ARTICLE I. MANAGEMENT

Sec. 10-1. Waterways board.

The purposes of the waterways board is to provide a broad-based citizen management organization that guides the use and development of Gloucester's waterways and public waterfront facilities. The waterways board shall be the city body which establishes policies and regulations for Gloucester's waterways. It is intended that the board adopt clear, concise and fair policies and regulations that promote improved access to the water for all citizens, including commercial fishermen, business owners and recreational boaters. In cooperation with the harbormaster and other city staff, the board is intended to ensure that our waterways are well planned and maintained, utilized to the maximum extent possible, safe, and reflect positively upon the City of Gloucester.

(Ord. No. 17-1993, 12-14-93)

Sec. 10-2. Composition and term.

(a) *Composition.* The Gloucester Waterways Board shall consist of seven (7) citizens of Gloucester, appointed by the mayor and confirmed by the city council. The appointees shall include three (3) persons who are directly involved with the fishing industry, two (2) persons who are recreational boaters, and two (2) persons, at large, who need not be involved with any marine-related activity. The board shall observe Robert's Rules of Order, shall annually select a chairman from its membership and establish its rules of procedure. The board shall have non-voting advisory members, as set forth in section 10-4 herein.

(b) *Term.* The term of all members shall be three (3) years except that the initial terms shall be staggered so that the terms of no more than three (3) members shall terminate in any one year. If a member resigns or is removed for any reason before his or her term expires, the mayor shall appoint a replacement within one (1) month of the vacancy. Said appointment must be confirmed by the city council. Members of the waterways board and its standing committees shall be volunteers who are not compensated.

(Ord. No. 17-1993, 12-14-93)

Sec. 10-3. Authority and responsibilities.

The Gloucester Waterways Board is hereby empowered, and authorized to:

(a) Promote implementation of the City of Gloucester Harbor Plan, dated 1992, and, in cooperation with the appropriate city bodies, amend said plan from time-to-time as

circumstances warrant;

- (b) Establish policies, rules and regulations for the use of Gloucester's waterways and waterfront facilities, including but not limited to, mooring areas, public launch ramps, public landings, and public marinas;
- (c) Recommend to the city council fee schedules for moorings, launch ramps, slips at public marinas, and other waterfront public facilities and a schedule of fines for violation of waterways rules and regulations;
- (d) Oversee the operation and maintenance of all public launch ramps and related facilities, the public Lobster Marina at St. Peter's Square, and all other public marinas, landings, floats or access ramps;
- (e) Review and oversee the work programs, budget, staffing, training, effectiveness, management techniques and policies of the harbormaster's office and related city staff;
- (f) Work cooperatively with the harbormaster's office and related city staff on harbor management issues, enforcement of waterways rules and regulations and waterways development projects;
- (g) Review all waterfront development projects or zoning changes and report its findings and recommendations to the mayor, city council or other relevant board. The waterways board may require drawings, plans or other supporting documentation from project proponents for its review;
- (h) Act as the policy liaison between the City of Gloucester and the Army Corps of Engineers, U.S. Coast Guard, the State Department of Environmental Protection, the Massachusetts Office of Coastal Zone Management and other government agencies concerned with waterways;
- (i) Work with the harbormaster's office and related city staff to plan, design and undertake new projects such as dredging, mooring fields and access facilities;
- (j) Plan and encourage the development of signage and facilities for transient boaters and promote Gloucester as a well-equipped and hospitable port-of-call;
- (k) Work cooperatively with the harbormaster's office, police and fire departments, environmental police and other public safety agencies to ensure that Gloucester's waterways policies, rules and regulations and operating practices will protect the rights and property of waterways users and waterfront land owners, while maximizing public safety;
- (l) Delegate any of its responsibilities to a standing committee, the harbormaster or other staff person assigned by the mayor;
- (m) Investigate new sources of revenue for waterways management and development.

(Ord. No. 17-1993, 12-14-93)

Sec. 10-4. Standing committees.

- (a) *Designation.* There shall be three (3) advisory standing committees of the waterways board, appointed by the chairman; a waterways safety committee; a public facilities committee; and an operations and finance committee. The committees shall review, research, investigate and make recommendations on matters referred to them by majority vote of the full board. The committees shall send their reports and recommendations only to the full board which shall review them and take appropriate action. The harbormaster shall be an ex-officio member of each committee. Every member of the board except the chairman shall be on at least one

standing committee, and each committee shall elect its own chairman.

(b) *Waterways safety committee.* This committee may be referred any matter dealing with: enforcement of boating laws and regulations; other law enforcement activities including the need and nature of police patrols during various times of the year and during special waterfront events; fire prevention and suppression needs; hazardous materials, emergency medical services; hazards to navigation; rules and regulations regarding use of the city's waterways; city ordinances dealing with the waterways or waterfront; and any other matter deemed appropriate by the board. This committee shall consist of: two (2) members of the board; the police and fire chiefs or their designees; and a representative of Coast Guard Station--Gloucester.

(c) *Public facilities committee.* This committee may be referred any matter dealing with moorings; public launch ramps, including Dun Fudgin; public landings; public marinas, including the Lobster Marina at St. Peter's Square; signage; public access, including but not limited to, walkways to the water, access ramps and floats and dinghy floats, sewage pump-out facilities, waste oil recycling facilities; harbormaster floats and offices; and any other matter deemed appropriate by the board. This committee shall consist of: two (2) members of the board; an advocate of public landings appointed by the mayor; the director of public works, or his designee; and a member of the tourist commission.

(d) *Operations and finance committee.* This committee may be referred any matter dealing with harbor planning, design, engineering or construction; budgets; intergovernmental relations; the harbormaster's office, including but not limited to, staffing, training, vessels and equipment, work and education programs; fees and fines; and any other matter deemed appropriate by the board. This committee shall consist of: two (2) members of the board; a member of the fisheries commission and a member of the city council.

(Ord. No. 17-1993, 12-14-93)

Sec. 10-5. Relationship to the harbormaster and city staff.

(a) The waterways board shall work cooperatively with the harbormaster and other assigned city staff to implement the City of Gloucester Harbor Plan, as amended, and pursue the policies and goals of the board. In addition, the harbormaster and the board shall work together closely to ensure that the harbormaster's office is efficient, effective, and fair to all waterway users through review of work programs, plans operating procedures and budgets.

(b) The waterways board shall work cooperatively with the harbormaster and other assigned city staff including police officers, such that the following duties are performed by the designated official or employee.

(1) *Harbormaster:*

- a. Operate, maintain, manage equipment and vessels assigned (harbormaster boat).
- b. Assign and oversee moorings.
- c. Coordinate with and report to waterways board--Meetings, staff, grants, etc.
- d. Operate and manage public launch ramps, landings, marinas and other public waterways facilities around the city.
- e. Gather information and make recommendations relative to the harbor--Commissioner's line, Chapter 91, permits, CZM regulations and other waterways issues.
- f. Promote Gloucester as a hospitable port of call--Provide information to visitors, provide water transport as directed by the mayor.

- g. Manage and maintain a harbormaster's office.
- h. Report to the mayor on administrative matters; report to board on policy matters.

(2) *Police department:*

- a. Enforce all Massachusetts Commonwealth laws while patrolling the city waterways.
- b. Operate, maintain and manage equipment and vessels assigned (police boat/fire boat).
- c. Investigate, prosecute criminal activity on waterways and waterfront in cooperation with other members of the Gloucester Police Department and other law enforcement agencies, USCG, etc.
- d. Make arrests on water.
- e. Report to the chief of police.
- f. Assist the fire department, US Coast Guard with fire prevention and suppression, law enforcement, hazardous materials investigations and emergency medical services.
- g. Check on lobster violations under the city ordinance and State Laws. Enforce MGL Chapter 130, Sections 31, 17, 18, 18a, 39, 41, 41a, 43, 44--Marine fisheries laws: Destruction of weir-fish trap; lobster and crab licenses; markings on buoys--exhibition of license; display of license numbers and buoy colors; hours of tending traps; taking of female lobsters with eggs; possession of short lobsters.
- h. Check properties on islands not accessible from land.

(3) *Joint duties:*

- a. Enforce waterways laws, ordinances and rules and regulations (MGL Chapter 40, Section 21D (Fines and Ticketing) and Gloucester Code section 1-15 and MGL Chapter 90B, Sections 1--19 (Motorboats and other vessels) and other enforcement per MGL Chapter 102, Sections 17--28 (Shipping and Seaman, Harbor and Harbormasters).

Police: Plus all other applicable city and state laws.

- b. Patrol city waterways.

Police: Enforce all Massachusetts laws.

- c. Respond to emergencies within scope, training and resources.
 - d. Operate, maintain and manage equipment and vessels assigned (police boat/fire boat--police; harbormaster boat--harbormaster).
 - e. Coordinate with other agencies and assist within scope, training and resources.
 - f. Observe water quality, assist appropriate agencies.
 - g. Assist in keeping navigation channels clear, keep harbor free of debris.
- Harbormaster:* Primary responsibility.
- h. Patrol major events to promote and protect public safety--Fiesta, 4th of

July, Schooner Races, etc.

Police: Other occasions as directed by chief of police.

- i. Issue citations on water.
- j. Enforce the BWI, make arrests and bring complaints to court.

(Ord. No. 17-1993, 12-14-93; Ord. No. 21-1995, § 1, 3-7-95)

Cross reference(s)--Police duties and joint duties concerning harbor management, § 17-1.

Secs. 10-6--10-19. Reserved.

ARTICLE II. ENFORCEMENT

Sec. 10-20. Harbormaster appointment, qualifications and authority.

((a) *Appointment.* In accordance with M.G.L.A. c. 102, § 19, the harbormaster shall be appointed annually by the mayor after joint interviews and consultation with the waterways board, and confirmed by the city council. Ord. 02-50 Deleted 11/12/2002) The mayor shall fix the compensation of the harbormaster after an annual performance review conducted by the board and the mayor or his designee. The harbormaster shall report to the mayor on administrative matters and to the waterways board on policy matters.

(a) *Appointment.* In accordance with M.G.L.A. c. 102, § 19, the harbormaster shall be appointed for a term of three (3) years by the mayor after joint interviews and consultation with the waterways board, and confirmed by the city council. (Ord. 02-50, 11/12/2002) The mayor shall fix the compensation of the harbormaster after an annual performance review conducted by the board and the mayor or his designee. The harbormaster shall report to the mayor on administrative matters and to the waterways board on policy matters.

(b) *Qualifications.* The harbormaster shall possess the following skills, knowledge or experience: small boat handling in heavy weather; navigation; rules of the road; waterways laws, rules and regulations and their enforcement; budget preparation; and staff management. Desirable skills or knowledge include water safety and life-saving; marine fire prevention and suppression; emergency medical care at the EMT level; waterfront construction techniques; the waterways permitting process; waterfront facilities management; water pollution control techniques and grant writing.

(c) *Authority.* The harbormaster shall have all authority set forth in: the Massachusetts General Laws, including but not limited to Chapters 102, 90B and 91; the Code of Massachusetts Regulations; applicable federal laws and regulations; and the City of Gloucester Code of Ordinances.

(Ord. No. 17-1993, 12-14-93)

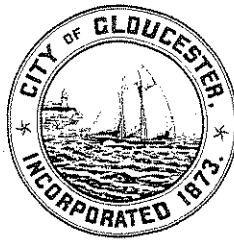
Sec. 10-21. Fines.

The harbormaster and assistant harbormasters shall have the authority to enforce any section of this chapter by way of the ticketing procedures set forth in Massachusetts General Laws, c. 40, § 21D and Gloucester Code of Ordinances, Section 1-15. Each day of violation shall constitute a separate offense.

(Ord. No. 17-1993, 12-14-93)

Sec. 10-22. Responsibilities.

City Hall
Nine Dale Avenue
Gloucester, MA 01930



TEL 978-281-9700
FAX 978-281-9738
ckirk@ci.gloucester.ma.us

CITY OF GLOUCESTER
OFFICE OF THE MAYOR

February 5, 2009

Mr. James Movalli
27 Woodward Avenue
Gloucester, MA 01930

Dear Mr. Movalli:

I am pleased to reappoint you to a three year term on the Zoning Board of Appeals. Your appointment will be sent to the City Council for their meeting of February 10, 2009 and will be referred to the Ordinance and Administration subcommittee. You will receive a notice from the Clerk of committees as to the date on which your appointment will be discussed by the committee.

I have issued you a 90-day temporary appointment, effective February 15, 2009. Please report to the City Clerk's office to pick up your appointment card (copy attached) and be sworn in at your earliest convenience.

On behalf of the City of Gloucester, I greatly appreciate your dedication to public service and look forward to working with you in the coming years to help make Gloucester a better place for all of us to live.

Should you have any questions or if you require any further information, please do not hesitate to contact my office.

Thank you again.

Sincerely,

Carolyn A. Kirk
Mayor

Enclosure
CAK/c

The City of Gloucester, Massachusetts

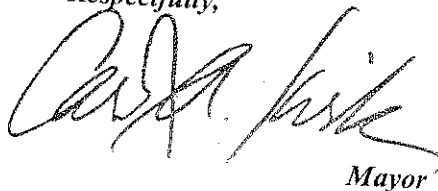
Dear James Movalli, 27 Woodward Avenue, Gloucester, MA 01930

*It is my pleasure to inform you that I have this day appointed you
to the Zoning Board of Appeals
of the City of Gloucester, Massachusetts.*

Effective February 15, 2009.

This is a 90-day temporary appointment.
After City Council approval, term to expire 2/14/2012.

Respectfully,



Mayor

N.B. *You are required to be sworn in at the office of the City Clerk before acting
under the appointment.*

SWORN IN _____ BY _____

City Hall
Nine Dale Avenue
Gloucester, MA 01930



TEL 978-281-9700
FAX 978-281-9738
ckirk@ci.gloucester.ma.us

CITY OF GLOUCESTER
OFFICE OF THE MAYOR

February 5, 2009

Mr. Michael Nimon
20 Myrtle Square
Gloucester, MA 01930

Dear Mr. Nimon:

I am pleased to reappoint you to a three year term as an Alternate on the Zoning Board of Appeals. Your appointment will be sent to the City Council for their meeting of February 10, 2009 and will be referred to the Ordinance and Administration subcommittee. You will receive a notice from the Clerk of committees as to the date on which your appointment will be discussed by the committee.

I have issued you a 90-day temporary appointment, effective February 15, 2009. Please report to the City Clerk's office to pick up your appointment card (copy attached) and be sworn in at your earliest convenience.

On behalf of the City of Gloucester, I greatly appreciate your dedication to public service and look forward to working with you in the coming years to help make Gloucester a better place for all of us to live.

Should you have any questions or if you require any further information, please do not hesitate to contact my office.

Thank you again.

Sincerely,

Carolyn A. Kirk
Mayor

Enclosure
CAK/c

The City of Gloucester, Massachusetts

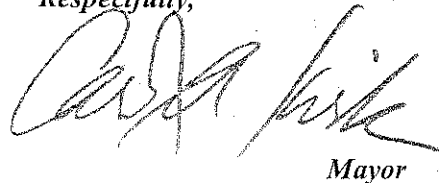
Dear Michael Nimon, 20 Myrtle Square, Gloucester, MA 01930

*It is my pleasure to inform you that I have this day appointed you
as an ALTERNATE on the Zoning Board of Appeals
of the City of Gloucester, Massachusetts.*

Effective February 15, 2009.

This is a 90-day temporary appointment.
After City Council approval, term to expire 2/14/2012.

Respectfully,



Mayor

N.B. *You are required to be sworn in at the office of the City Clerk before acting
under the appointment.*

SWORN IN _____ BY _____

1.4 ORGANIZATION AND ADMINISTRATION OF THE ZONING BOARD OF APPEALS

1.4.1 Membership

In accordance with MGL Chapter 40A there shall be a Zoning Board of Appeals, which shall consist of five members and two associate members, all of whom shall be residents of the City of Gloucester and who shall be appointed by the Mayor, subject to confirmation by the City Council. Each member and associate member shall have been a resident of the City of Gloucester for at least three years prior to his or her appointment to the board. Members shall be appointed for a term of three years; associate members shall be appointed for a term of two years. Members and associate members may be reappointed to successive terms. Vacancies on the board shall be filled in the same manner as other appointments, except that any member or associate member appointed to fill the unexpired term of a member or associate member who has resigned or who otherwise is no longer on the board shall serve only for the duration of said unexpired term, following which such member or associate member shall be eligible for reappointment as specified herein.

1.4.2 Duties of Associate Members

The chairperson of the Zoning Board of Appeals shall designate one of the board's associate members to act as a member of the board in the case of the absence, inability to act or conflict of interest of another member. The chairperson shall designate an associate member to act as a member in the event of a vacancy on the board, until said vacancy is filled.

1.4.3 Quorum

A quorum of the Zoning Board of Appeals shall consist of four members and associate members. No more than five members and associate members shall vote on any matter before the board. No member or associate member may vote on a matter before the board unless he or she has attended all board hearings at which evidence was presented on said matter. Provided, however, that a board member shall not be disqualified from voting on the matter solely due to that member's absence from a single session of the hearing at which testimony or other evidence was received. Before any such vote, the member shall certify in writing that he or she has examined all testimony or other evidence received at the missed session, by review of an audio or video recording of the missed session or a transcript thereof. The written certification shall be part of the record of the hearing in accordance, with MGL Chapter 39 Sec 23D.

1.4.4 Conflict of Interest

No member or associate member of the Zoning Board of Appeals shall appear before the board on behalf of any party in any matter pending before it.

1.4.5 Officers

The members of the Zoning Board of Appeals shall annually elect one member as chairperson, who shall preside at all meetings. The members shall also elect a vice chairperson to act in the absence of the chairperson, and a secretary, and shall prescribe rules for the conduct of board affairs.

1.4.6 Removal for Cause

A member or associate member of the Zoning Board of Appeals may be removed by the Mayor, but only for cause, and only after written charges have been filed and a public hearing held.

1.4.7 Minutes

The Zoning Board of Appeals shall keep minutes of its meetings, which shall show the vote of each member upon each question. All such minutes shall be public records, and shall be filed with the City Clerk.

The General Laws of Massachusetts

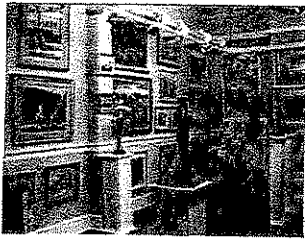
[Search the Laws](#)**PART I. ADMINISTRATION OF THE GOVERNMENT****TITLE VII. CITIES, TOWNS AND DISTRICTS**

Go To:
[Next Section](#)
[Previous Section](#)
[Chapter Table of Contents](#)
[MGL Search Page](#)
[General Court Home](#)
[Mass.gov](#)

CHAPTER 40A. ZONING**Chapter 40A: Section 12. Boards of appeal; membership; rules**

Section 12. Zoning ordinances or by-laws shall provide for a zoning board of appeals, according to the provisions of this section, unless otherwise provided by charter. The mayor subject to confirmation of the city council, or board of selectmen shall appoint members of the board of appeals within three months of the adoption of the ordinance or by-law. Pending appointment of the members of the board of appeals, the city council or board of selectmen shall act as the board of appeals. Any board of appeals established hereunder shall consist of three or five members who, unless otherwise provided by charter, shall be appointed by the mayor, subject to the confirmation by the city council, or by the selectmen, for terms of such length and so arranged that the term of one member shall expire each year. Each zoning board of appeals shall elect annually a chairman from its own number and a clerk, and may, subject to appropriation, employ experts and clerical and other assistants. Any member may be removed for cause by the appointing authority upon written charges and after a public hearing. Vacancies shall be filled for unexpired terms in the same manner as in the case of original appointments. Zoning ordinances or by-laws may provide for the appointments in like manner of associate members of the board of appeals; and if provision for associate members has been made the chairman of the board may designate any such associate member to sit on the board in case of absence, inability to act or conflict of interest on the part of any member thereof, or in the event of a vacancy on the board until said vacancy is filled in the manner provided in this section.

The board of appeals shall adopt rules, not inconsistent with the provisions of the zoning ordinance or by-law for the conduct of its business and for purposes of this chapter and shall file a copy of said rules with the city or town clerk. In the event that a board of appeals has appointed a zoning administrator in accordance with section thirteen said rules shall set forth the fact of such appointment, the identity of the persons from time to time appointed to such position, the powers and duties delegated to such individual and any limitations thereon.



State of the Art Gallery & Sculpture
Garden

State of the Art Gallery II

4 Wonson Street Gloucester, MA 01930 (978) 395-1915
18 Pleasant St. Gloucester, MA 01930 (978) 282-5426
978-395-1783 Cell

www.stateoftheartgalleryandsculpturegarden.com
stateoftheartgallery@comcast.net



RECEIVED

JAN 29 2009

1-29-09

City of Gloucester
City Hall
Dale Ave.
Gloucester, Ma. 01930

Mayor's Office

Mayor Kirk,

Dear Mayor Kirk,

It is with sincere regret that I forward this letter of resignation from The Downtown Development Commission to you effective immediately. I enjoyed the work and subsequent positives we were able to achieve. Since it has been determined that I can only serve on one such commission at a time, I will now look forward to my assignment to the Gloucester Comm. For The Arts.

I certainly appreciate the opportunity to serve and thank-you for your confidence in me.

Best Regards,
Roger Gunning

4 Wonson Street
Gloucester, MA 01930

January 9, 2009

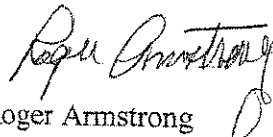
Carolyn Kirk, Mayor
City of Gloucester
Gloucester, MA 01930

Dear Mayor Kirk/ City Council:

I have been asked by Judith Hoglander, Chairwoman of the Gloucester Council for the Arts, to join her on that very worthy commission. With a strong background in the art field and a personal commitment to the betterment of Gloucester, I would be pleased if you were to sanction my appointment to this important commission.

Thank you for your consideration.

Best regards,


Roger Armstrong

City Hall
Nine Dale Avenue
Gloucester, MA 01930



TEL 978-281-9700
FAX 978-281-9738
ckirk@ci.gloucester.ma.us

CITY OF GLOUCESTER
OFFICE OF THE MAYOR

February 5, 2009

Ms. Nicole D. Pitts
97 Western Avenue, Apt. 2F
Gloucester, MA 01930

Dear Nicole:

Thank you for your interest in serving on the **Conservation Commission**. I have issued you a 90-day temporary appointment to serve on this committee which will enable you to attend and vote at meetings. Please report to the City Clerk's office to pick up your appointment card (copy enclosed) and be sworn in at your earliest convenience.

Your letter of interest was forwarded to the City Council for their meeting of February 10, 2009. Your appointment will be referred out to the Ordinance and Administration subcommittee, and you will receive a notice from the Clerk of Committees as to the date on which the O&A Committee will review your appointment.

Should you have any questions or if you require any additional information, please do not hesitate to contact my office.

Thank you again.

Sincerely,

Carolyn A. Kirk
Mayor

cc: Robert Gulla, Chair, Conservation Commission
Enclosure
CAK/c

The City of Gloucester, Massachusetts

Dear Nicole Pitts, 97 Western Avenue, Gloucester, MA 01930

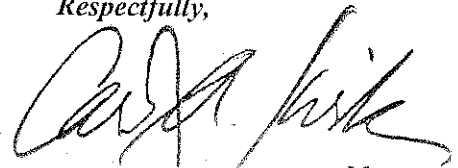
*It is my pleasure to inform you that I have this day appointed you
to the Conservation Commission
of the City of Gloucester, Massachusetts.*

Effective February 5, 2009.

This is a 90-day temporary appointment.

After City Council approval, term to expire 2/14/2012.

Respectfully,



Mayor

*N.B. You are required to be sworn in at the office of the City Clerk before acting
under the appointment.*

SWORN IN _____ **BY** _____

Christine Pantano

From: Nicole Stier [nstier@unity.edu]
Sent: Wednesday, January 28, 2009 12:03 PM
To: Carolyn Kirk; Christine Pantano
Cc: rsgulla@comcast.net; nstier@unity.edu
Subject: Volunteer Conservation Council Member Applicant

January 28, 2009

Mayors Office
9 Dale Avenue
Gloucester, MA 01930

Dear Mayor Kirk,

My name is Nicole Pitts and I am interested in volunteering to serve on the City of Gloucester Conservation Commission. I have a Bachelors of Science degree with an emphasis in Environmental Policy and therefore extremely knowledgeable in environmental state/government laws and regulations making me a valuable asset to the commission.

I have attached my resume so you may review my education, work history, and skill set along with a letter of recommendation from Robert Gulla Chairman, Gloucester Conservation Commission in support of my nomination. I am very passionate about conserving Gloucester's unique and beautiful shoreline and preserving it for generations to come.

You may reach me at your earliest convenience at this email address or my home number (978) 879-4858. Thank you for your consideration and I look forward to hearing from you shortly.

Sincerely,
Nicole Dianna Pitts
97 Western Avenue Apt. 2F
Gloucester, MA 01930
H: (978) 879-4858 C: (978) 273-8630

1/28/2009



January 22, 2009

Mayors Office
9 Dale Avenue
Gloucester, MA 01930

RE: Recommendation Letter

Dear Mayor Kirk:

I am submitting this letter of recommendation for Mrs. Nicole Pitts with the intent of securing a 90 day appointment to the Gloucester Conservation Commission.

Mrs. Pitts attended our meeting Wednesday night to answer questions and to get a feel for the commission's responsibilities, procedures and time commitment. It is my opinion, based on my conversation with Mrs. Pitts and with the review of her resume (attached), that she is amply qualified for the position.

I respectfully request that Mrs. Pitts be awarded a 90 day appointed to the Gloucester Conservation Commission.

Please feel to contact me with any questions or concerns.

Sincerely yours,

Robert Gulla
Chairman, Gloucester Conservation Commission

Attachment (1)

Robert Gulla, AIA
Registered Architect
593 Essex Avenue
Gloucester, MA 01930

978.282.1933p
www.robertgulla.com
rgulla@robertgulla.com

City Hall
Nine Dale Avenue
Gloucester, MA 01930



TEL 978-281-9700
FAX 978-281-9738
ckirk@ci.gloucester.ma.us

CITY OF GLOUCESTER
OFFICE OF THE MAYOR

February 5, 2009

Mr. Douglas G. Cook
11 Oakes Avenue
Gloucester, MA 01930

Dear Doug:

Thank you for your interest in serving on the **Downtown Development Commission**. I have issued you a 90-day temporary appointment to serve on this committee which will enable you to attend and vote at meetings. Please report to the City Clerk's office to pick up your appointment card (copy enclosed) and be sworn in at your earliest convenience.

Your letter of interest was forwarded to the City Council for their meeting of February 10, 2009. Your appointment will be referred out to the Ordinance and Administration subcommittee, and you will receive a notice from the Clerk of Committees as to the date on which the O&A Committee will review your appointment.

Should you have any questions or if you require any additional information, please do not hesitate to contact my office.

Thank you again.

Sincerely,

Carolyn A. Kirk
Mayor

cc: John Orlando, Chair, Downtown Development Commission
Enclosure
CAK/c

The City of Gloucester, Massachusetts

Dear Douglas G. Cook, 11 Oakes Avenue, Gloucester, MA 01930

*It is my pleasure to inform you that I have this day appointed you
to the Downtown Development Commission
of the City of Gloucester, Massachusetts.*

Effective February 5, 2009.

This is a 90-day temporary appointment.
After City Council approval, term to expire 2/14/2011.

Respectfully,



Mayor

N.B. *You are required to be sworn in at the office of the City Clerk before acting
under the appointment.*

SWORN IN _____ BY _____

AND DESIGN

Douglas G. Cook
11 Oakes Avenue
Gloucester, Ma. 01930

Education;

- Bachelor of Science University of Massachusetts 1985
Environmental Design Program
- Landscape Architecture, Architecture and Regional Planning with a
concentration in Landscape Architecture

Professional Experience;

- Byrne Bros. Landscaping (1985 -1988)
Senior Designer
Construction Project Manager
- Hall and Emslie (1988 -1991)
Senior Designer
Construction Project Manager
- Landesign (1991 – Present)
Principal
Landscape Design, Consultation and Project Management
www.landscape.biz
- Surf Park – Board of Directors



GLOUCESTER CITY COUNCIL 2009

COMMUNICATION

RECEIVED: 01/20/09

NUMBER: COM-005

NUMBER OF PAGES: 1

SUBJECT: Memo from Councillor Tobey re: Request for Documents

ACTION: Refer to O&A

January 20, 2009

To: Carolyn Kirk
Mayor

From: Bruce Tobey
Council President

Subject: Request for Documents

Numerous councilors have voiced their concerns to me that the Administration needs to release promptly full and unredacted versions of two documents to the council and to the community. One of those documents is the NEMLEC report on the recent investigation of events in the Gloucester Police Department, and the other is the after-incident report on the Lorraine Apartment Building fire. I hereby request that those reports be forwarded to the council for inclusion on the agenda of our January 27, 2009 meeting.

While the council's need for this information generally mirrors that of the community at large -- the necessity that we all share complete confidence that our public safety organizations are performing with complete effectiveness and integrity -- the council as the Mayor's co-equal partner in local government has an additional reason to demand the production of these reports: having just begun a comprehensive management audit of the City's public safety departments, we must have full access to any and all information regarding their operations and practices.

Insofar as the NEMLEC report is concerned, I would make one additional point: it has been reported that this report has been deemed a personnel record because the administration and the recently-disciplined officer agreed in would be so-regarded; if that is in fact the case, I challenge that designation (which unfortunately follows in the wake of a similarly-flawed approach employed in the settlement of the Lamberis case) as being ineffective to prevent its full release as a public record.

I hope you will honor this request. In the event the documents are not released, I will propose to the council at our next meeting that we consider our options under section 2-6 of the City Charter.

BEACH & STAGE FORT PARK REGULATIONS

Revised January 16, 2009

I. Schedule of Operations:

A. Good Harbor & Wingaersheek Beaches

1. Access to Parking Lots:
 - a. Seasonal: Gates opened April 1 to October 31 annually
Gates closed November 1 to March 31 annually
 - b. Daily in Season: Gates opened at 8:00am and locked at 9:00pm
 - c. Vehicles in beach parking lots shall be placed only within areas designated by the Director of Public Works or his agents.
 - d. Vehicles (except City vehicles engaged in beach maintenance) including off-road vehicles, motorbikes, mopeds, motorcycles, trucks, dune buggies, and snowmobiles are prohibited on beaches or dunes at Good Harbor and Wingaersheek beaches without authorization.
2. User Fees:

Parking fees may be collected from May 1 to September 30 annually and shall be collected daily from Memorial Day to Labor Day, in accordance with the schedule of fees established in Appendix A.
3. Certified Lifeguards:

Red Cross certified lifeguards shall be on duty daily, weather permitting, from 9:00am to 5:00pm from Memorial Day to Labor Day. Weather permitting, lifeguards may also be on duty weekdays and weekends during May and September.
4. Snack Bars:

Snack bars may be open weekends during May and September and shall be open daily from Memorial Day to Labor Day, weather permitting. Hours of operation shall be from 9:00am to 6:00pm daily.
5. Rest Rooms:

Rest rooms may be open weekends during May and September and shall be open daily from Memorial Day to Labor Day. Hours of operation will be from 8:00am to 8:00pm daily. The restrooms may be closed early during periods of inclement weather when the parking lot is also closed.
6. Bike Racks:

At Good Harbor Beach, bicycles are allowed only at the concession, and at the bike rack on Nautilus Road and not on the footbridge.

B. Stage Fort Park

1. Access to Parking Lots:
 - a. Seasonal: Gates opened April 1 to October 31 annually
Gates closed November 1 to March 31 annually.
 - b. Daily in Season: Gates opened at 8:00am and locked at 9:00pm.
 - c. Vehicles in parking lots shall be placed only within areas designated by the Director of Public Works or his agents.
 - d. Vehicles (except City vehicles engaged in beach maintenance) including off-road vehicles, motorbikes, trucks, dune buggies, and snowmobiles are prohibited on beaches and within the enclosed areas of Stage Fort Park without authorization.
2. User Fees:

Parking fees may be collected from May 1 to September 30 annually, and shall be collected daily from Memorial Day to Labor Day, in accordance with the schedule of fees established in Appendix A.

3. Certified Lifeguards:

Red Cross certified lifeguards shall be on duty daily, weather permitting, from 9:00am to 5:00pm, Memorial Day to Labor Day at Half Moon Beach only.

4. Snack Bars:

Not applicable

5. Rest Rooms:

Rest rooms may be open weekends during May and shall be open daily from Memorial Day to Labor Day, 8:00am to 6:00pm; and during special events as required. The restrooms may be open during the months of September and October from 9:00am to 6:00pm daily or to coincide with the hours of the Visitor Center.

6. Permits – Group Functions and Picnic Areas:

- a. Groups of 25 persons or more shall be required to obtain a group permit for the general use of park facilities and the dedicated use of a group picnic area.
- b. Individuals shall be required to obtain a permit for the dedicated use of the Bandstand (Gazebo), Rose Garden, beach areas and group picnic areas.
- c. Designated group picnic areas may be reserved in conjunction with the issuance of a group permit. Group picnic areas are designated as: Area A – the hollow area to the rear (east) of the rest facility building, Area B – the area to the south of Tablet Rock, Area C – the upland area to the far west of the volleyball court.
- d. Catered events may be conducted in the designated picnic areas in conjunction with a group permit.
- e. User fees: see Appendix A.

C. Niles, Pavilion, and Plum Cove Beaches:

1. Parking Restrictions:

There shall be resident sticker parking only in designated areas at Niles and Plum Cove beaches (Ord. – 22-270.1).

2. Open Parking:

Pavilion beach

3. Certified Lifeguards:

Red Cross certified lifeguards shall be on duty daily, weather permitting, starting Father's Day weekend through Labor Day 9:00am to 5:00pm, Pavilion beach excepted.

D. Closing of Beaches & Parks:

The Director of Public Works, as well as legally-authorized public health or other law enforcement officials, shall have discretion to close city beaches and parks to the public should questions of public health or safety arise. Parking fees will not be refunded. Signs shall be posted during times when beaches are open but there are no lifeguards on duty.

E. Beach and Park Rental:

1. Beaches, parks, playgrounds and other outdoor recreational facilities may be rented out in whole or in part for commercial use and social activities when such use does not conflict with permitted use.
2. User fees: see Appendix A

II. Beach Parking:

A. Sticker Eligibility:

1. RESIDENT STICKER criteria:

- a. Domiciled Residents of Gloucester, verified with vehicle registration and other supporting documentation, if required. Include copy of lease agreement if car is leased.
- b. Armed Forces Service members stationed in Gloucester, verified with vehicle registration and an official letter from their Commanding Officer confirming permanent residency. Include copy of lease agreement if car is leased.
- c. User fees: see Appendix A.

2. NON-RESIDENT STICKER criteria:

- a. Non-Domiciled Residents who own residential property in Gloucester, verified with a copy of their tax bill and vehicle registration. ~~Limit of two (2) stickers per household.~~ Include copy of lease agreement if car is leased.
- b. Non-Domiciled Residents who rent property; must be for a minimum of 60 days and verified with a lease agreement, vehicle registration and other supporting documentation, if required. Include copy of lease agreement if car is leased.
- c. A residential taxpayer having no residency in Gloucester, verified with a copy of their tax bill and vehicle registration. Include copy of lease agreement if car is leased.
- d. Domiciled Residents of Essex and Rockport, verified with vehicle registration and copy of their driver's license. Include copy of lease agreement if car is leased.
- e. All other Non-Residents of the City of Gloucester, no more than 200 stickers to be sold annually. Include copy of lease agreement if car is leased.
- f. User fees: see Appendix A

3. SENIOR CITIZEN STICKER criteria:

- a. Domiciled Senior Citizen Residents of Gloucester, age 65 and older, verified with their vehicle registration and drivers license. Include copy of lease agreement if car is leased.
- b. A Senior Citizen sticker carries residency status.
- c. User fees: see Appendix A

4. GUEST VOUCHER criteria:

- a. Motel, hotel, guest house, camp ground owners, and licensed innkeepers only may receive bulk issue of beach parking guest vouchers for the current season as needed for issue to guests that are actually booked into accommodations at their establishments.
- b. Vouchers will only be issued to establishments that show State Room Tax #, valid Federal Employer ID Number or Social Security Number, which ever applies. This procedure is subject to review by the Director of Public Works and abuse may result in revocation of Vouchers.
- c. Vouchers shall be valid for one day only, Memorial Day to Labor Day, 8:00am to 3:00pm. Reduced rates for late arrivals do not apply to Guest Vouchers. Vouchers are non-negotiable and non-transferable.
- d. User Fees: see Appendix A.

B. Issue restrictions:

1. All stickers will be issued to a vehicle based on registration and property ownership, and not to a person or residence, except senior citizen stickers. Dealer plates are not acceptable as proof of registration or property ownership.
2. Senior citizen stickers will be issued to a qualifying vehicle (based on registration), together with the qualifying individual (based on age) for his/her exclusive use. The qualifying individual must be present in the vehicle for the vehicle to receive exempted admittance. There is a limit of one senior citizen sticker per qualifying individual / vehicle combination.
3. A resident can get a sticker for a company owned car if they have a letter, on company stationary, signed by an officer of the firm, stating the employee has exclusive use of the vehicle. The employee must provide proof residency.
4. Non-Domiciled Gloucester residential property owners may receive a beach sticker for the owner(s) of record only, with a maximum of two stickers per owner.
5. All stickers shall be permanently affixed to the approved vehicle at the time of issuance. Stickers shall be affixed to the extreme lower left corner of the front windshield or to a driver's side window. ~~and not to front or rear windshield.~~ Loose stickers will not be honored.
6. To prevent confusion, misunderstanding and delays at the parking lot entrance gate, all patrons will be asked to remove all expired stickers.
7. Commercial, industrial, professional, and business property owners do not qualify for Resident Stickers without proof of residency.
8. All stickers and guest vouchers are non-transferable and non-negotiable.
9. Stickers expire at the end of the calendar year in which issued, except senior citizen stickers which shall expire in year dates ending in zero and five.

C. User Fees:

1. Parking fees: see Appendix A.
2. Sticker and voucher fees: see Appendix A.
3. All user parking fees, once paid, are nonrefundable.
4. Parking user fees shall routinely be collected at the full applicable rate at Stage Fort Park from 8:00am to 4:00pm daily.
5. Parking user fees shall routinely be collected at the full applicable rates from 8:00am to 3:00pm daily at Good Harbor Beach and Wingersheek Beach. From 3:00pm to 5:00pm a reduced rate of \$10 off the applicable weekday rate and \$10.00 off the applicable weekend/holiday rates shall be collected at both locations in order to fairly accommodate late arrivals. This reduced rate does not apply to Guest Vouchers.
6. When, at the option of the Director, Beach parking fees are collected on the weekdays or weekends before Memorial Day and after Labor Day, there will be a \$10 discount off the applicable daily rate to reflect non-peak season beach conditions.
7. Buses and vans that drop off passengers within the park or beach parking areas shall first pay the applicable parking fee regardless if the parking lot is used or not.
8. All stickers, including seniors, that are lost, stolen, destroyed, missing, confiscated, or invalidated due to a change in plates or registration will be charged a re-issuance fee at the time of application for a replacement sticker.
9. Exemptions: domiciled resident senior citizens only, age 65 and older (an issuance fee will be effective in 2011).
10. Special Events: The Director of Public Works may establish nominal parking fees for groups, organizations and special events to cover the expenses of conducting the event.

D. Parking Restrictions:

1. Parking restrictions posted in and around beaches, park areas, and the Beach District (Ord. 22-176(b)) will be strictly enforced. Violators may be tagged and towed at owners expense.
2. Unattended children and pets shall not be left in vehicles in the beach and park parking lots.
3. All City beach and park employees (collectors, lot attendants, lifeguards, etc.), contract concession personnel, and contract rest room personnel that are residents of Gloucester, must have a current beach sticker ~~for entrance into~~ in order to enter and park in the parking lot. Any non-resident employee will need to purchase a "employee pass for non-residents" at the price of a Resident beach sticker. This pass will be valid only on days the employee is working at the beach or park.
4. Employee and contractor vehicles shall be parked in the general use parking lot areas and will not be parked adjacent to concession facilities.
5. Vehicles, public and employee, shall not be parked closer than 30 feet to a collector booth.
6. Reserved parking areas for "resident sticker use only" may be established and made available for dedicated resident use from lot opening time up to 1:00pm daily, at which time the reserved parking areas will revert to unrestricted use.
7. There shall be "resident sticker parking only" on Witham Street, west side, from Thatcher Road to the beach; Niles Beach, westerly side, fronting on the beach; Plum Cove Beach parking lot, adjacent to the ball field; and Folly Cove Beach, between poles #356 and #357 (Ord. 22-270.1).

E. Enforcement:

1. Violation of sticker eligibility criteria and sticker issue restrictions may result in enforcement actions to include sticker confiscation, and/or ineligibility for sticker issuance for one succeeding calendar year.
2. Violation enforcement authority is vested in the Public Properties Operations Manager, Beach Constables, Parking Lot Supervisors of the DPW, and Treasurer/Collector.

III. Miscellaneous Restrictions:

A. Horses:

Horseback riding is prohibited on city beaches and in Stage Fort Park, year round.

B. Games & Sports:

Baseball, softball, football, archery, frisbee tossing, horseshoe pitching, golfing or any other rough-game sports or play is permitted only in areas designated by the Director of Public Works.

C. Inflatable Objects:

Use of inflatable toys, rafts, tubes, mattresses or other inflated objects and the use of all floating objects, except "boogie boards", in the water of all public beaches is prohibited. Boogie Boards will be permitted within the boundaries of a designated area to be located at the far eastern end of the public portion of Good Harbor Beach. A "boogie board" will be defined as a small 19" to 44" soft board comprised of foam, polyurethane, polystyrene, etc., with an attached wrist leash. Floating boards that do not meet this definition are prohibited from use on the beach.

D. Umbrellas, Tents, & Shelters:

Umbrellas must be properly anchored to prevent wind-caused accidents. No tents or shelters are allowed with the exception of sun shades and umbrellas.

E. Airplanes & Helicopters:

No airplanes or helicopters shall be permitted to take off or land from City beaches or park land (other than on official Government business). Violators will be reported to the Federal Aviation Agency.

F. Model Airplanes (Radio Control Aircraft):

Good Harbor Beach Parking Lot

1. Permitted to fly only when beach parking lot is not in operation (no attendant on duty).
2. Restricted to times when pedestrian and vehicle traffic are at a minimum.
3. Not permitted before 8:30am.
4. Shall fly over the parking lot and marsh areas, not the road or beach.
5. Noise levels will be restricted to an acceptable level (non-flow thru, expansion chamber mufflers only).
6. Pilots shall fly in a safe and responsible manner at all times.
7. Pilots will be responsible and liable for their actions.
8. Pilots will abide by regulations in effect and maintain a safe environment.
9. Pilots will be considerate of wetlands and wildlife.

G. Scuba or Skin Diving:

1. At no time will Scuba or skin divers be allowed to use underwater weapons of any type in waters off city beaches.
2. Snorkeling paraphernalia used by non-scuba or skin divers shall be restricted at the discretion of the lifeguards.

H. Boat Launching & Surfing:

1. Boat launching and landing are prohibited at all public beaches between the hours of 9:00 a.m. and 5:00 p.m., from Memorial Day to Labor Day, without the permission of the lifeguard.
2. Surfing is prohibited at all public beaches between the hours of 9:00 a.m. and 5:00 p.m., from Memorial Day to Labor Day, without the permission of the lifeguard.
3. Boardsailing shall be prohibited at all Gloucester City public beaches subject to the following exceptions:
 - a. At Niles beach, boardsailers may access the southeastern most 75 feet of public beach and shall be prohibited from the harbor channel.
 - b. At Cressey's beach, boardsailers may access only a 75 foot section of the beach located immediately to the west of the drive-through ramp in the seawall and shall be prohibited from the Harbor channel.
 - c. At other public beaches boardsailing is prohibited between 9:00am and 5:00pm daily from Memorial Day to Labor Day.

I. Sand Dune Protection:

Motor vehicles of any kind are prohibited from driving on sand dunes at City beaches. Pedestrian or animal access to Dunes Conservation Areas is strictly prohibited.

J. Audio Devices:

Radios, portable stereos, so-called "boom boxes", etc., are prohibited at City beaches and parks. Personal systems with individual speaker outlets (i.e. car pieces, walkman, car phones) are permitted.

K. Pets:

1. Dogs and other pets shall be prohibited from being on all public beaches from May 1 to September 15 of each year. Dogs on public beaches from September 16 to April 30 of each year shall be under direct control of the owner or keeper in accordance with the local Animal Control Ordinance.
2. Dogs and pets in Stage Fort Park shall be under direct control of the owner or keeper by leash at all times in accordance with the local Animal Control Ordinance.

L. Alcoholic Beverages Prohibited:

In accordance with state law and local ordinance, the unpermitted use of alcoholic beverages on all City beaches, parks, playgrounds, ball fields, and parking lots is prohibited. Bottles and glass of any kind are prohibited on city beaches, parks, playgrounds, ball fields, and parking lots.

M. Litter Control:

Rubbish and litter shall be deposited in trash receptacles, dumpsters, and / or bags provided by the City. Littering on city beaches, parks, playgrounds, ball fields, and parking lots is prohibited and punishable by fines up to \$100 per violation. Good Harbor, Wingaersheek, Niles and Plum Cove beaches have instituted a "Carry In - Carry Out" policy. Beach goers must be prepared to take away all trash as there are no longer any trash receptacles on the beach for public use.

N. Conduct and Behavior:

All persons destroying public property or engaging in disorderly conduct will be prosecuted to the full extent of the law. Sleeping or camping on city beaches, parks, playgrounds, ball fields, and parking lots between 9:00pm and 8:00 am is strictly prohibited.

O. Open Fires Prohibited:

Open fires of any type are prohibited on city beaches and Stage Fort Park. Cooking is allowed with either gas or charcoal grills at Stage For Park only. All hot coals must be deposited in designated containers.

APPENDIX A

PARKING AND RENTAL FEES ESTABLISHED

1. Parking fees

SFP

Passenger car, SW, mini-van	\$10.00 weekdays \$15.00 weekends, holidays
Motorcycle	\$5.00 each
Van (+7 seats)	\$15.00 each
Bus (+12 seats)	\$20.00 each
Bus (+25 seats)	\$25.00 each
Guest Voucher	\$5.00 discount off the full daily rate

GHB/WING

Passenger car, SW, mini van	
8:00am to 3:00pm	\$20.00 weekdays \$25.00 weekends, holidays
3:00pm to 5:00pm	\$10.00 weekdays \$15.00 weekends, holidays
Motorcycle	\$5.00 each
Van (+7 seats)	\$25.00 each
Bus (+12 seats)	\$30.00 each
Bus (+25 seats)	\$35.00 each
Guest Voucher	\$10.00 discount off the full daily rate

2. Sticker fees:

Domiciled Resident sticker	\$20.00
Resident Armed Forces Service Member	\$20.00
Domiciled Resident Senior Citizen sticker (65+)	No Charge (\$5.00 issue fee effective 2011)
Non-Domiciled Resident (property owner) sticker	\$50.00
Non-Domiciled Resident (+60 day renter) sticker	\$50.00
Non-Resident sticker – Essex and Rockport	\$100.00
Non-Resident sticker – (200)	\$250.00
Re-issue fee	\$5.00

3. Beach and Park Rental fees:

Beach fee: off season (commercial)	\$250.00 daily
Beach fee: in season (Memorial to Labor) (commercial)	\$400.00 daily
Beach fee: non commercial	\$25.00 daily
Stage Fort Park: group area use permit (Sch, YMCA, Camp)	\$25.00 daily
Stage Fort Park: group area use permit – non catered	\$50.00 daily
Stage Fort Park: group area use permit – catered	\$200.00 daily
Stage Fort Park: Bandstand (Gazebo)	\$100.00 2 hr max
Stage Fort Park: Rose Garden	\$100.00 2 hr max
Stage Fort Park: off season, commercial	\$250.00 daily
Stage Fort Park: in season, commercial	\$400.00 daily

4. Special Events:

The Director of Public Works may establish nominal parking fees for groups, organizations and special events to cover the expenses of conducting the event.



CITY OF GLOUCESTER 2009 CITY COUNCIL ORDER

ORDER:	#CC2009-05
COUNCILLOR:	Jackie Hardy/Bruce Tobey

DATE RECEIVED BY COUNCIL:	01/27/09
REFERRED TO:	O&A
FOR COUNCIL VOTE:	

Ordered that the City Council review the current Council Rules of Procedure in order to bring them up to date, and further

Ordered that this matter be referred to O&A for recommendations.

**Councillor Jackie Hardy
Councillor Bruce Tobey**



**CITY OF GLOUCESTER 2009
CITY COUNCIL ORDER**

ORDER: #CC2009-002
COUNCILLOR: Sharon George/Philip Devlin

DATE RECEIVED BY COUNCIL: 01/13/09
REFERRED TO: O&A
FOR COUNCIL VOTE:

ORDERED that the Administration be requested to permanently close the Police Department Firing Range in West Gloucester and find other suitable arrangements.

Councillors Sharon George and Philip Devlin